

## Raw Milk Bill #236

My name is Joy Martinson. I live in Mt. Horeb. I am a 59 year old caregiver, helping to keep the elderly and the disabled living in their own homes. I grew up on a dairy farm just south of Mt. Horeb. I drank raw milk through all of my growing years, as did the rest of my family and a majority of my friends and my community, all without incident.

A dozen years ago, I was, quite literally, a nonfunctioning being. In excruciating pain, I lay in bed praying to die. My symptoms included migraine headaches, continuous pain in my right eye and ear, dental pain, severely sensitive teeth, sciatica, plantar fasciitis and my neck and shoulders were immobile. For years, my doctor could find nothing wrong, but eventually diagnosed fibromyalgia. His only remedy was to prescribe antidepressants which I chose not to take. Upon advice of a friend I changed my diet to include only fresh, uncooked foods. From that time forward, I have improved healthfully every single day. I now enjoy a full and rewarding life. I am again a contributing member of society.

I am an informed consumer and I choose to obtain healthy food **directly** from the farmer without government intervention. Unfortunately, there are those who believe it is their right to prevent me from acquiring the foods that have been responsible for my return to good health. And yet, I fully support those who wish to choose processed foods, tobacco and alcohol, all products under the control of a government who claims to be looking out for our best interests.

One may choose to pluck an egg right out from under a hen and proceed to suck it straight out of the shell. Or . . . one may choose to purchase a pasteurized, irradiated egg from the supermarket, wear disposable gloves while rewashing and re-sanitizing it before breaking it into a sterilized frying pan, cooking it until it is 'shoe leather' done, then eating it from a sterilized plate with a sterilized fork. In these examples, each has made the right choice for themselves. We have a responsibility to respect and honor the rights of all citizens.

Raw food is the food my creator has provided to fuel my body. There are no creatures on this earth who are required to adulterate their food in order to thrive. I have complete faith that God-given foods (in the form which He created) are safe and I have absolutely no fear when consuming same.

However, as with all food products, one needs to be familiar with the source to know that the food is being raised in a natural, healthy and uncontaminated manner. With raw milk in particular, we only need to look at the human example to understand the difference between safe and unsafe. A healthy mom, eating a nutritious diet, provides the perfect food for her newborn, her breast milk. Whereas, a child feeding on the breast milk of a drug-addicted mother will not flourish.

## Raw Milk Bill #236

It bears repeating: A healthy mom, eating a nutritious diet, provides the perfect food for her newborn, her breast milk. Whereas, a child feeding on the breast milk of a drug-addicted mother will not flourish.

So when that huge conglomerate known as our "dairy industry" spouts of the dangers of raw milk, I agree wholeheartedly. In my opinion, THEIR milk, consumed raw, CAN KILL YOU. If mega-farm raw milk were to become available for my purchase, I wouldn't go near it, nor should anyone else. It is no longer, in any way, shape or form, a God-given food. It has been adulterated by human greed.

I do not pretend to have superior knowledge of raw milk. I have no sort of higher education or accreditation. I cannot spout statistics or speak of this study or that. What I do have is my life experiences. And I listen carefully as other individuals relate their experiences. From this, I have learned much. I have learned that my friends and acquaintances do not have agendas. They are not being influenced by an entity that has huge financial gains at stake and an endless stream of dollars to make certain the outcome continues to fuel their coffers.

There is nothing right about being made to feel like a criminal because of my simple wish to go back to the basics, to go back to my roots, to enjoy the fruits of the Lord's creation and the health benefits provided therein.

Fresh, raw, local foods are the perfect foods provided by our Lord, and no mortal will ever convince me that pasteurizing an already perfect food will somehow make it better.

This bill must protect the rights and beliefs of those who feel safest choosing food that is completely free from government intervention, but it must also protect the rights and beliefs of those who feel safest choosing food that is regulated, inspected and processed under government supervision.

We will never be united in agreement. We are not required to be united in agreement. **But we can certainly co-exist.**

Kindly submitted,

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## Retail Sale of Raw Milk is a Danger to Public Health in Wisconsin

The members of the Wisconsin Veterinary Medical Association (WVMA) urge all legislators considering the legalization of the sale of raw milk to first understand the public health risks associated with the consumption of unpasteurized milk. The adage, "We drank bulk tank milk on the farm, and did not suffer serious problems" is a poor standard to apply when you are charged with the protection of the health of Wisconsin citizens. Senate Bill 236, will negate the Pasteurized Milk Ordinance of 1934, which has been safeguarding public health for **79** years.

This proposed bill is a revision of 2010 Assembly Bill 628/ Senate Bill 434, which failed in May of 2010. The WVMA is aligned with every other professional healthcare organization in the state opposing the sale of raw milk. There are **no appropriate rapid diagnostics** available to screen for the long list of infectious agents in raw milk that cause infections including upset stomach, diarrhea, abortion, sepsis in infants and death. There are absolutely **zero** published reports from peer-reviewed biomedical journals that recommend consumption of raw milk because it provides health benefits.

**"...there are absolutely zero published reports from peer-reviewed biomedical journals that recommend consumption of raw milk"**

As you consider this proposal to legalize the retail sale of raw milk in Wisconsin, we remind you that consumption of unpasteurized dairy products poses significant risks to the health of children, the elderly, pregnant women, and people with chronic diseases. Microbes are equal opportunity pathogens and do not discriminate between large and small operations.

Without pasteurization there is no way to ensure that pathogenic microbes are not present.

The bill creates a false sense of security by requiring raw milk to meet Grade A standards because it gives the impression that the government has deemed it to meet a safety standard. It is important to differentiate Grade A milk from pasteurized Grade A milk. Raw milk that meets Grade A standards is not presumed to be free of pathogenic bacteria. Pasteurization is the critical step required to make Grade A milk safe for public sale and consumption. In addition, the bill provides no authority for the state to inspect, test or monitor whether these dairies are meeting Grade A standards.

A recent outbreak of gastrointestinal disease associated with **legally obtained** raw milk occurred in Pennsylvania last May. Although the dairy had consistently adhered to their state's requirements for raw milk dairies and had conducted milk coliform and somatic cell testing more frequently than required, this was not the first outbreak associated with this dairy. These outbreaks indicate that compliance with state regulations and increased producer awareness after an outbreak are insufficient to prevent human health hazards.

The simple solution to minimize raw milk disease outbreaks in the State of Wisconsin is to maintain the current Pasteurized Milk Ordinance for Grade A Milk. The high level of vigilance to ensure a safe supply of dairy products should be a source of pride of our state. The over 11,000 dairy farms in Wisconsin, 97% of which are family owned and employ 420,000 people (12% of the state's workforce), are dedicated to providing a safe food supply and pasteurization is a key public health safeguard.

The WVMA strongly opposes this legislation and encourages you vote against SB 236. If retail sale of raw milk products are allowed in Wisconsin, then it is simply a question of when and how often outbreaks will occur.

Thank you for considering our comments. Please contact us at any time with comments or questions surrounding this issue.



**Raenell Brennan**

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**From:** "Andy Mastrocola" <administrator@foodfreedomusa.org>  
**Date:** Tuesday, September 10, 2013 2:46 PM  
**To:** "undisclosed-recipients:"  
**Subject:** Letter to raw milk committee

I sent the following to the Senate raw milk hearing committee plus Sen. Grothman.  
 AM

Dear Senators,

Mandatory registration with DATCP is scaring off many good farmers from supporting this bill. This bill is like giving the keys for the hen house to the fox. Lawful raw milk exists thanks to the jury in Baraboo. DATCP has no jurisdiction at this time, unless this bill is passed, which would enable DATCP to have control over our farmers operation. This bill limits freedom and creates more unnecessary nanny state bureaucracy.

This bill is an attempt by lovers of big government to get control of a free market that currently exists, and tramples on the victory for private contract rights that Vernon Hershberger so valiantly fought 3 years for.

Some questions I have for you is, why would you want to take away our God given 'right' to consume the foods of our choice and turn it into a government privilege?

Does not this go against your sworn oath to the Constitution?

Has Wisconsin become such a fascist state that we must beg for the corporations and government leaders now to approve how we feed ourselves?

This bill is a step backwards from the liberty that now exists thanks to that courageous Jury in Baraboo that nullified bad law. This bill is being promoted by WRMA, whom refused to support Vernon Hershberger during his trial, and sure has the earmarks of an attempt by a few to destroy that precious freedom gained.

These WRMA proposals will also increase the current cost of raw milk to consumers by 100% at least (California being the example at \$18\gal.) which would make this a food of the elite.

Raw milk is not going to be sold in retail stores with your bill so why would DATCP have to be in control? Wouldn't it make the most logical sense to have your local county health departments involved instead of DATCP?

I am a current WAPF chapter leader from Waukesha county, and former WRMA member, and I cannot find any way to support this bill which takes away a freedom and turns it into a government privilege. Raw milk has a very good track record of not sickening many, if any, while its been on the 'black market' here, so where is the real danger is the question to ask of raw milk skeptics. The smoke and mirrors public hearing you have planned will only focus on safety, not Liberty, and that will be shameful. The real issue at hand is God given rights, because if raw milk was making people sick in Wisconsin our emergency rooms would be overflowing. As a WAPF chapter leader here in Wisconsin I know the amount of raw milk currently being consumed is quite high already, more than the opponents would want you to believe. Very conservatively there are at least 20,000 Wisconsin raw milk drinkers already,





consuming at least a pint of this product every day of the week all year long. That comes to at least 1,825,000 glasses of raw milk consumed annually in Wisconsin. So if this is such a dangerous product we would have hospitals full of sick people all over the state.

Let our foods be free for us to choose, does government really need to control every little aspect of our lives?

The only ones we see outside of government that are supporting this bill are the 'collectivists', and that should be a big red flag right there. By the way there are 20 times more farmers out there doing raw milk than there are WRMA member farmers (3 dairy farmers). So this bill is the choice of only a select few. This proposal is definitely not about Liberty or Justice for all.

Respectfully,  
Andrew Mastrocola  
Dousman, WI

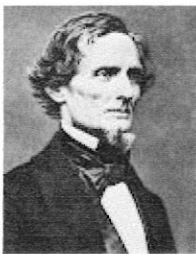
*"Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add 'within the limits of the law' because law is often but the tyrant's will, and always so when it violates the rights of the individual. " Thomas Jefferson*

*"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." 9th Amendment U.S. Constitution*

*"If we are not even free anymore to decide something as basic as what we wish to eat or drink, how much freedom do we really have left?" Ron Paul 2012*

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"Truth crushed to the earth is truth still and like a seed will rise again."



Jefferson Davis

American statesman; president of the Confederate States of America during the American Civil War (1862-1865)



My name is Simon Brennan of Delafield, WI. I am presenting my dad's comments regarding raw milk, since he is on a business trip and is unable to attend this hearing.

Dear Senators, Public Employees and Fellow Citizens of Wisconsin:

I am deeply concerned with the governmental restrictions applied to raw milk. Growing up on our dairy farm, I regularly drank raw milk in my diet. Since the sale of our family farm, attending college at the University of Wisconsin-Platteville for Mechanical Engineering and now working as a Quality Engineer for GE Healthcare in Waukesha, WI, I do not have direct access to raw milk. After raw milk was removed from my diet, I experienced degradation in my health with multiple flu episodes, inflammation of lumbar vertebrae, loss of hair, eczema, fatigue, irritable bowels, and increased allergy sensitivities. With these health issues I would be absent 5 to 8 days per year from work. Since returning to raw milk, I have not missed a day of work in over 5 years due to illness and co-workers comment on my energy and work attendance. I have seen the consequences of the removal of live enzymes and much needed bacteria cultures from my diet and choose not to return to the past, however the State is forcing a restriction on my family against our will.

I strongly encourage you to remove the restrictions on raw milk and prevent those who limit free enterprise, individual liberty and claim to be protecting Wisconsin's Dairy Industry <sup>from remaining</sup> to remain in control over the People of this great State. Freedom of the People allows the People to choose how they want to live. Dairy products by nature can cause food born health risks if allowed to become contaminated with bacteria or viruses. However, raw milk sours & pasteurized milk becomes moldy & toxic. People who acquire raw milk understand what they are purchasing and have not elected government representatives to infringe on their freedoms. If a provider of raw milk supplies a product that causes a food illness, the provider will be under the pressure of the People to take corrective action or lose sales. We the People request our elected representatives & public employees to protect our Liberty to purchase raw milk and remove current restrictions.

Furthermore, I have received comments back from Governor Doyle in the past regarding his concern to protect Wisconsin's Dairy industry. I have also read to state news media articles on the danger of raw milk. I find the data to be limited and the comments to be exaggerated and another opportunity for government to favor the Corporation rather than The People of this Great Republic. I have asked many farmers and local raw food advocates if they agree with raw milk limitations and the answer is "No".

The debate over raw milk public safety is a minor issue. In a free society, people are free to choose to make decisions, whether good or bad. We see bad decisions made weekly with the public safety issues occurring in Milwaukee County, specifically the safety of my relative Philip Rausch who was violently beat in the head by a passenger when driving his route for the Milwaukee Transit System this past year resulting in hospitalization and brain swelling. I do not see cages around bus drivers to protect their safety, but I do see a virtual cage around the access to raw milk in the State of Wisconsin.

Senator Grothman is listening to the People of this Great State on removing the





restrictions to raw milk...are the rest of you elected representatives supporting free access or Corporate control in the facade of protecting the Dairy Industry and public safety?

Sincerely,

William Brennan (Past Dairy Farmer in Plum City, Wisconsin)



**Comments By Dairy Producer Bob Topel, Waterloo on SB 236**  
**September 11, 2013, Senate Committee on Financial Institutions & Rural Issues**

I milk 300 dairy cattle at Waterloo, Wis., and have been actively involved with the dairy industry and cooperatives for more than 20 years. I am a husband, father and grandfather and have a keen interest in helping to protect the Wisconsin dairy industry's rightful image as a source of healthy and wholesome dairy products. I don't believe that SB 236 should be advanced by the Legislature as it puts at risk both consumers' health and the broad Wisconsin dairy industry's image.

I say that because SB 236 neither requires raw milk sellers to obtain milk producer licenses, Grade A permits, nor be inspected by state regulatory agencies. While all other milk producers in Wisconsin are inspected from one to four times per year, are licensed, and the vast majority are Grade A producers, this "special" new category of producers would be given a free pass to sell a potentially dangerous food product on their farms to the consuming public.

Consumers purchasing raw milk from a farm may unwittingly subject their family members to pathogens that can be dangerous, especially to children or elderly individuals or those with compromised immune systems. While the vast majority of consumers could see no ill effects, the fact that this raw product is being offered through SB 236 without significant safeguards means a type of "Russian roulette" would be faced by consumers.

Members of all types of cooperatives that are members of Cooperative Network have adopted a straightforward statement on this issue, and it guides the public policy stance of the organization on this topic. It reads as follows: "Because

of Cooperative Network's strong interest in maintaining the highest health and safety standards for dairy products, Cooperative Network opposes legislation allowing a dairy farmer to sell unpasteurized milk to consumers at the farm or at non-farm locations." This resolution governs Cooperative Network as it lobbies in both Wisconsin and Minnesota.

Wisconsin state government has been a good partner with the dairy industry over recent years with the passage of bipartisan legislation that has helped our industry modernize and compete at the producer and processor level. Our exports of dairy products are substantial and growing. Let's not take a risky step now that could potentially reverse our success as America's Dairyland.





September 11, 2013

For the Senate Committee on Financial Institutions and Rural Issues

**Testimony of the Wisconsin Cheese Makers Association in OPPOSITION to SB 236**

Speaker: John T. Umhoefer, WCMA Executive Director

Wisconsin Cheese Makers Association **Strongly Opposes** SB 236, a bill that not only opens the door to raw milk sales in the state, but removes licensing and inspection requirements for dairy farms in Wisconsin.

This bill is dangerous. It removes dairy farms that choose the path of raw milk sales from Wisconsin's system of inspection and licensing. These farms would operate outside of supervision and outside of mandatory testing. It is an extreme version of the notion of allowing raw milk sales in Wisconsin.

The dairy and food industry in Wisconsin, and in the United States and around the world is moving in exactly the opposite direction of this bill. Both government inspection and oversight of food manufacturing, and food buyer inspection are becoming more stringent, more sophisticated and linked to electronic means that can speed product recalls and track food from farm to consumer. It's a tough system, an expensive system, but the dairy processor members of the Wisconsin Cheese Makers Association embrace this food safety network. It means safer food for families.

Wisconsin Cheese Makers Association represents Wisconsin manufacturers of cheese, butter, yogurt, ice cream and fluid milk – from the largest cooperatives to the smallest artisan cheesemakers. We also represent hundreds of Wisconsin employers that make equipment for the dairy industry -- make cheese cultures and trucks and vats and packaging film and pumps and more.

Earlier today our current Association President, Ron Buholzer of Klondike Cheese Company in Monroe, told the media that his fourth-generation family business spent over \$1 million dollars in the past year installing food safety measures.

The investment at Klondike Cheese focused on several food safety enhancements, such as new changing areas for employees and restricted access to sensitive areas in the factory; new construction to segregate storage for chemical cleaning agents and tools; new door-lock systems, surveillance cameras and software to track products all through the food chain from farmer to consumer.

Each month, Klondike Cheese spends more than \$6,000 on testing product batches for pathogens, and spends more to test equipment surfaces and the plant environment for any minute contamination. If a contaminant is discovered after swabbing surfaces, plant workers immediately clean and sanitize again.



Klondike Cheese has three quality assurance personnel and sees inspections not only from the FDA and the State of Wisconsin, but also from every major dairy product buyer. Klondike also pays for an annual, three-day BRC audit – an international standard for food quality assurance. All these inspections are tough, and they help assure the safety of cheese and yogurt from Klondike Cheese.

Klondike's investments are not unique. Dairy manufacturers across the state and nation are spending millions to enhance food safety. And the Food Safety Modernization Act passed by the U.S. Congress ensures that inspection and oversight by the U.S. Food & Drug Administration will become even more strict in the years to come.

Contrast all this emphasis on and all this investment in food safety with SB236. This bill doesn't just let dairy producers sell unpasteurized milk in pickle jars, it allows these farms to walk away from licensing and inspection – to operate off the grid. This is an extreme version of a raw milk sales bill. This bill purposely makes these farms difficult to inspect; makes tracking a bad batch of raw milk difficult to perform and offers milk testing criteria with no explanation of who would perform these tests and who would make sure farms adhere to these requirements.

The dairy industry in Wisconsin does not want unregulated dairy producers selling raw milk in the state. We do not want an endless parade of raw milk illness outbreaks to wear down consumer confidence. We do not want outbreak after illness outbreak to turn consumers away from milk and toward soy and almond beverages.

The U.S. Centers for Disease Control state on their website: "From 1998 through 2011, 148 outbreaks due to consumption of raw milk or raw milk products were reported to CDC. These resulted in 2,384 illnesses, 284 hospitalizations, and 2 deaths. Most of these illnesses were caused by *Escherichia coli*, *Campylobacter*, *Salmonella*, or *Listeria*. It is important to note that a substantial proportion of the raw milk-associated disease burden falls on children; among the 104 outbreaks from 1998-2011 with information on the patients' ages available, 82% involved at least one person younger than 20 years old."

Wisconsin should not forward a bill that purposely removes safety regulations from dairy producers. Our citizens deserve better than that. And our dairy industry, which has spent decades building a well-deserved reputation for wholesome, delicious dairy foods, deserves better than that.

We strongly urge this committee to reject this bill.





For the complete article go to:  
<http://jimhealthyshealingkitchen.com/featured-articles/conventional-milk-linked-to-cancer/>

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# Conventional Milk Linked To Cancer

Wipe that milk mustache off your upper lip and lend an ear...

In the past, numerous studies have connected conventional milk and dairy products to a higher risk of developing cancers of the breast, prostate, and testicles.

Now, Harvard researcher, Dr. Ganmaa Davaasambuu, M.D., Ph.D. and her colleagues have confirmed this troubling cancer risk in the supermarket dairy case.

### Got milk? Get cancer.

While doubts about the safety of commercial milk have existed for over a decade due to the presence of growth hormones given to dairy cows (rBGH, or genetically-engineered bovine growth hormone, and IGF-1, short for insulin-like growth factor 1...

...Dr. Davaasambuu's team found dangerous levels of *estrone sulfate* in milk samples that have tested 33 times higher than "usual."

Estrone sulfate is the cow's natural equivalent of human estrogen, which is produced during the six or more months a year a cow is pregnant – and it is 100,000 times more potent than other natural estrogens.

These high levels result when dairy cows are milked during pregnancy, a standard practice on large, "factory-farm" dairy operations — and in direct contradiction to the way traditional dairy farmers milk their cows

Evaluating data from around the world, Dr. Davaasambuu and her colleagues found a clear link between consumption of this high-hormone milk and higher rates of hormone-dependent cancers.

In other words, contrary to what the US Centers for Disease Control and Prevention (CDC), the US Department of Agriculture (USDA), and the Big Milk lobby would have us believe, milk from factory farms may NOT "do a body good."

### Is factory farm milk safe?

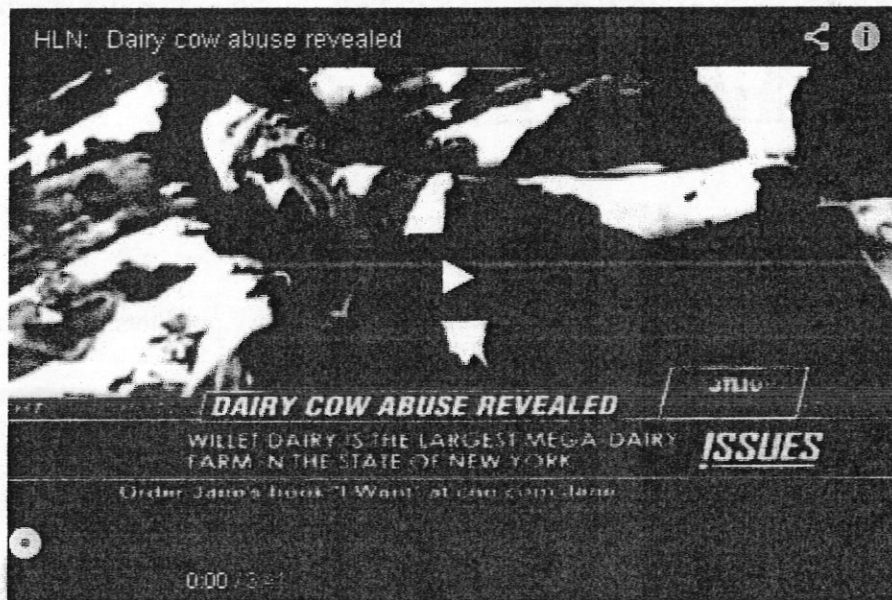
This finding isn't news to those of us who know what a health nightmare conventional milk is — starting with the cows it comes from.

These poor animals are trapped in small, filthy pens for their entire lives. (This situation is politely referred to as “concentrated animal feeding operations (CAFOs)” — but they are more like animal concentration camps. To learn more about CAFOs, [click here](#)).

Every day, conventional dairy cows are fed cheap grain, soybeans, and corn, which make them fat and give them gas. This is why they must be pumped full of antibiotics — to “prevent” the health problems that bad diet and horrible hygiene cause. (Grass is their natural diet because they have a four-compartment stomach.)

Shamefully, conventional dairy cows are treated, not as fellow sentient creatures, but as “milk machines” whose sole purpose in life is to churn out income for US dairy farmers.

If you can stomach it, take a look at this brief video, which documents some of the abuses these dairy cows routinely endure...



(In response to “negative public relations” fallout and lost sales due to investigative videos like this one, Iowa has just made it illegal for any animal rights activist or journalist to film CAFO animal abuse. Look for other states to quickly follow Iowa's lead.)

**“The measure of a society can be  
how well its people treat its animals.” — Gandhi**

This greed-driven mentality justifies doing anything — no matter how inhumane — that will boost the farmer's bottom line, including constant breeding without interruption or rest, and taking their calves away soon after birth (which results in dangerous high levels of estrone sulfate in Dr. Davaasambuu's milk samples).

To further increase their milk production, growth hormones rBGH and IGF-1 are fed to the cows, which are passed along to consumers. (This is why US dairy products are banned in Canada and Europe.)

Earlier studies linked these hormones to hormone-dependent cancers in humans, but the industry managed to obfuscate the findings.

In a [Feb., 1995 letter](#) to the FDA and other government agencies, Dr. Samuel Epstein, Chair of the Cancer Prevention Coalition (CPC), included a summary of scientific evidence and “expressed grave concerns about the risks of breast cancer from consumption of rBGH milk.”

You can guess the FDA's response, right? *Nada*.



TO: Members of the Senate Committee on Financial Institutions and Rural Issues

DATE: September 11, 2013

RE: Senate Bill 236: Sale of Raw Milk

FROM: Scott Karel, WFU Government Relations Associate

Good afternoon and thank you Chairman Schultz and other members of the committee for holding this hearing today. My name is Scott Karel and I represent the Wisconsin Farmers Union. I am here today to speak in favor of the bill being discussed to allow the sale of unpasteurized milk in the state of Wisconsin. In particular, Wisconsin Farmers Union supports raw milk legislation as long as 1) the sales are directly between farmer and consumer 2) The seller registers with the state 3) the milk meets or exceeds grade A standards and 4) the products are labeled that they are unpasteurized. This bill meets all four of these standards therefore we support the bill's passage.

**Thousands of People Drink Raw Milk in the State of Wisconsin.**

I urge the committee to be reasonable in your deliberations about this bill. There are literally thousands of people consuming raw milk every day in the state of Wisconsin and have been for years and the sky has not fallen and our dairy industry has not imploded upon itself. And no, I am not suggesting that Vernon Hershberger's buyers club is more extensive than he has led authorities to believe. These people I am referring to who drink raw milk every day are dairy farmers – the very same people who many are claiming would be hurt by the passage of this bill.

In data collected in the 2006 Life Satisfaction and Dairy Farming Survey by the UW Madison Center for Integrated Agricultural Systems, 52% of the 551 farmers who responded reported drinking their own unpasteurized milk. For smaller scale farms, that number was as high as seventy percent. Currently there are around 11,000 dairy farms in Wisconsin. If we conservatively estimate that raw milk is being consumed on half of these farms, then at least 5,500 families are drinking raw milk every day in our state without fanfare, and without dire public health consequences. These same people who are drinking the product will be the ones selling the product. If raw milk is safe enough for thousands of dairy farm families in the state to consume on their own farm, then it is safe enough for those consumers in the rest of the state to choose to be able to purchase these products in the regulated manner that this bill would allow.

If the concern of this committee and this legislature is the safety of all the citizens of Wisconsin, then by not passing this bill and allowing there to be a continued unregulated black market for the sale of raw milk will actually do more to harm the citizens of the state.

The best part of this bill is that it requires individual interaction and a market exchange that takes place directly between the farmer and the consumer. Through this the state would be managing risk through consumer choice. Through the direct consumer







interaction the farmer won't be a faceless entity selling them a jar of raw milk. Instead the consumer will be able to see the farmer's operation and make their own rational choice.

### **Wisconsin's Milk Industry Will Not Be Hurt By Legalizing Raw Milk Sales**

You may well know that thirty states allow the sale of raw milk in some capacity<sup>1</sup>. If you look at the top ten states that produce milk in the United States and you throw out Wisconsin's statute which allows limited and incidental sales, only one state, Michigan, completely bars the sale of raw milk in any capacity.<sup>2 3</sup> This includes states like our neighbor Minnesota and the only other state that produces more milk than Wisconsin, California. The prevalence of raw milk statutes in other states means two things. First, it shows that the sale of raw milk can be done safely. Second, it proves that these state's respective milk industries have not been destroyed by sickness caused by raw milk. These states have just as much if not more to lose from negative publicity as the state of Wisconsin. The state of California has an extensive campaign for marketing milk produced in their state, yet they still allow consumers to buy raw milk in a retail setting. To be clear, the concerns we are hearing that passing this bill could potentially destroy Wisconsin's milk industry are overblown.

In conclusion, I would like to reiterate Wisconsin Farmers Union's support for this bill and thank the committee for allowing me to speak on this matter today.

Scott Karel  
Government Relations Associate  
Wisconsin Farmers Union  
[skarel@wisconsinfarmersunion.com](mailto:skarel@wisconsinfarmersunion.com) / 608-234-3741

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<sup>1</sup> <http://www.nasda.org/file.aspx?id=3916>

<sup>2</sup> *Id.*

<sup>3</sup> [http://www.statemaster.com/graph/ind\\_mil\\_pro-industry-milk-production](http://www.statemaster.com/graph/ind_mil_pro-industry-milk-production)  
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## **Testimony on SB 236 – Raw Milk**

### **Senate Committee on Financial Institutions and Rural Issues**

**September 11, 2013  
Madison, WI**

**By  
Brad Legreid, Executive Director  
Wisconsin Dairy Products Association**

Wisconsin Dairy Products Association has represented processors of all dairy products for over 40 years. Our members – encompassing large, medium and small size operations- are responsible for marketing approximately 70% of the dairy products in Wisconsin.

Raw milk is an extremely contentious issue. There is a significant dichotomy between the two sides and the beliefs which they hold. On one side you have credible federal, state and local health agencies in total agreement that raw milk is unsafe and dangerous to consume. There are reams of reports, statistics and weekly cases of raw milk illnesses to back up their views. On the other side of this issue are individuals who believe raw milk has additional nutrient and health benefits, it cures diseases, and they want freedom of choice and no governmental control over their lives. It may appear there is a huge demand for raw milk, but, in reality, the percentage of the total population wishing to consume raw milk is quite small. The vast majority of citizens have no interest in consuming raw milk. They have a disdain for raw milk because they understand its inherent dangers.

The member companies of the Wisconsin Dairy Products Association strongly oppose raw milk sales for two key reasons:

1. Raw Milk is unhealthy to consume. You cannot make an unsafe product safe. Every major health organization in the world has stated its strong opposition to raw milk. According to the Center For Disease Control (CDC), from 1998-2012, there have been 1,514 illnesses due to the consumption of raw milk. CDC also concluded that unpasteurized milk was 150 times more likely to cause illness outbreaks than pasteurized milk. The CDC also reports that nearly 75% of the raw milk illnesses have occurred in states where the sale of raw milk is legal.

Consuming unpasteurized milk carries the increased risk for bacterial contamination that can lead to diseases such as listeriosis, salmonellosis, campylobacteriosis, typhoid fever, tuberculosis, diphtheria and brucellosis. These



cases can become severe and deadly in children, the elderly and those with weakened immune systems. Just last year, Mary McGonigle-Martin had to watch her 7 yr. old son lying in a hospital bed fighting for his life after being diagnosed with Hemolytic Uremic Syndrome after consuming raw milk. Three other children were also severely sickened in this outbreak, including 3 yr. old Kylee Brown, who endured the same Hemolytic Uremic Syndrome which led to paralysis, kidney failure, dialysis and finally, just on Monday, a kidney transplant.

No child should have to endure something like this. Unfortunately, the reality is that children usually are the victims in this raw milk saga. They don't have a choice in what they consume; they trustingly drink whatever is given to them by adults.

Every week or so, there is a raw milk outbreak somewhere in the United States. Just two years ago 16 fourth-graders and their family members from Racine County became ill after drinking raw milk. In March of this year, three people in Manitowoc County, including a 3 yr. old, were sickened from E. Coli after consuming unpasteurized milk. The reality is that as long as people consume raw milk, it's inevitable that there will illnesses, especially involving children.

Proponents of raw milk will argue that unpasteurized milk has greater nutritional value than pasteurized milk. However, according to the CDC, numerous studies have de-bunked this theory. No reputable health organization has ever found any added health benefits in raw milk. On the contrary, raw milk can contain a variety of bacteria, which can cause major illnesses in people – especially the young. Studies have shown that nearly two-thirds of all outbreaks associated with raw milk involve children.

Another statement that you will hear from raw milk supporters is that they've been drinking it for years without ever getting sick. Many of these people grew up on farms and the unpasteurized milk was brought in directly from the bulk tank and consumed at that meal. However, the majority of people who become ill from raw milk are not from the farm, but members of the general public who purchase the raw milk, drive up to an hour back to their homes and then store it for days until it's fully consumed. The longer raw milk stands around, the greater likelihood that bacteria will grow and flourish. That's when people get sick. Even when farms perform tests on their milk for bacteria and the tests are negative, this doesn't guarantee that the raw milk is safe. The presence of germs in raw milk is unpredictable. You never know when a bacterial germ will develop. It's like playing Russian roulette. Substantial scientific work time and again proves that heat treatment of milk, known as pasteurization, is the only effective means of eradicating these disease-causing bacteria. Once again, the reality is that getting sick from raw milk can mean at the least, many days of diarrhea, stomach cramping and vomiting. At the worst it can mean kidney failure, paralysis, chronic disorders and even death.



2. The second reason WDPA opposes raw milk is due to the dairy industry in Wisconsin. This industry is the #1 industry in our state. It's a \$26.5 billion economic engine that drives Wisconsin's economy. 12,000 dairy farms and thousands of state citizens involved in agri-business depend on this industry for sustaining their livelihoods. A major outbreak of sickness from raw milk could do irreparable harm to our dairy industry. In the past 20 years, other commodity industries were devastated when the public became sick from consuming their products. The peanut, apple, tomato and pistachio industries were dealt severe financial blows when illness outbreaks occurred. Even though these past contamination cases may have only been a few isolated incidents, the general public associated the contaminated product with the entire industry, which caused a blanket of condemnation.

After four difficult years, our State's economy is slowly improving. The Governor and Legislature is focused on improving our economy. Why then, would the Legislature even consider a bill which has the potential to wreak havoc on Wisconsin's #1 industry? Since the dairy industry is so entwined throughout the fabric of Wisconsin, there would be few citizens that would be unscathed by the financial fallout of a devastated industry.

Wisconsin has always been "America's Dairyland". We should strive to protect not only our #1 industry, but more importantly, the safety and health of our citizens. Other states, such as Iowa, Indiana, Arkansas, etc. have recently vetoed bills which would have allowed raw milk sales. Those states' legislators understood the perils and risks of raw milk. Shouldn't WI, with a dairy industry much larger than those states, do the same?

It's very difficult to hear testimony from the supporters of raw milk. Their words tug at our emotions. Their arguments seem legitimate and persuasive. However, you must separate emotion from reality and hard facts. Three-year-old Kylee Brown had to endure a kidney transplant due to raw milk. That's a hard fact. That's the reality of raw milk. Kylee is just one of thousands of people who have developed various illnesses after consuming raw milk. She is just one child, but how many children getting sick from raw milk is considered to be acceptable? We believe one child is one too many.

Please protect our citizens and our #1 industry by voting against SB 236.

Thank you for your time and attention.







September 11, 2013

TO: Senate Committee on Financial Institution and Rural Affairs

Members: Senator Dale Schultz (Chair), Senator Frank Lasee (Vice Chair), Senator Jerry Petrowski, Senator Bob Jauch, Senator Julie Lassa

**Re: Oppose Senate Bill No. 236 permitting the state-wide sale of raw milk**

Dear Committee Members,

Established in 2013, FarmFirst Dairy Cooperative, based in Madison, Wis., is the largest dairy marketing cooperative in the Midwest. Dedicated to its family farm members, the cooperative represents more than 5,000 members on Wisconsin dairy farms in addition to member farms in surrounding states. While we recognize each member farm is unique and we are respectful of their individual operations, the Cooperative through its member elected delegation is on record that we believe it is in the best interest of consumers and the dairy industry to maintain the highest level of health and safety standards for dairy products. It is not advantageous for the industry to support the sale of unpasteurized milk to consumers at the farm or non-farm location. Due to the significant public health risks associated with the consumption of raw milk, FarmFirst Dairy Cooperative respectfully urges that you oppose legislation to legalize the sale of unpasteurized milk.

While dairy farmers produce a wholesome & quality product for consumers, it is a raw product and raw milk is inherently dangerous. The risk for raw milk to contain pathogens does exist and it can be extremely dangerous for those consuming it, especially the elderly and children. The United States Food and Drug Administration (FDA) has noted that raw milk can harbor dangerous microorganisms such as Salmonella, E. coli and Listeria to name a few and these microorganisms are responsible for causing numerous foodborne illnesses. There is a reason that pasteurization was developed, because it can destroy all of the pathogens that can make raw milk dangerous. This is evident in the support by doctors, public health leaders and microbiology professionals that recognize there is substantial risk for serious infectious diseases to occur with the consumption of unpasteurized milk.

FDA statistics note that the majority of the raw milk outbreaks since the promulgation of 21 CFR 1240.61 have occurred in states where raw milk sales are lawful. The Centers for Disease Control found that in states where it was lawful to sell raw milk products, the rate of outbreaks caused by raw fluid milk was more than twice as high as in states where the sale of raw dairy products is illegal. Despite having a number of provisions in this legislation to make the consumer aware that raw milk or raw milk products are not pasteurized, it still does not address the dangers present in any raw product. Milk quality indicators, such as standard plate counts (SPC), coliform counts (CC) and somatic cell counts (SCC) are general indicators of animal health conditions and the level of sanitation that exists in milk that is being produced and



stored. These quality indicators do not provide any information as to the presence or absence of harmful bacteria. Raw milk with acceptable SPC and CC number may still contain deadly pathogens.

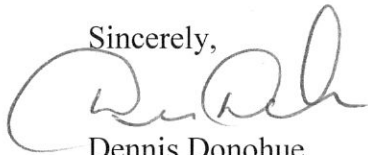
Raw milk illness is not a question of if someone will get ill, but a question of when. This illness more often targets youth and elderly, the very people who have the greatest impact of being affected due to the long term effects on their health. Nearly two-thirds of all outbreaks associated with raw-milk or raw-milk products involve children. For example, in 2011, five children in California were infected with E. coli O157:H7 after drinking raw milk; three required hospitalization with hemolytic uremic syndrome (HUS), a serious condition that may lead to kidney failure. In Wisconsin, also in 2011, at a school event, sixteen fourth grade students and adults who drank raw milk donated by a parent later suffered from diarrhea, abdominal cramping, nausea, and vomiting from Campylobacter infections. It is the responsibility of Wisconsin's leaders to make decisions to protect the health of the public, most especially those who are minors and are unable to make fully informed decisions that could have profound consequences for the rest of their lives.

Our dairy industry has benefited from a very high degree of consumer confidence – confidence that has been built in large part due to the excellent food safety record of milk and dairy products. Statistically, only 1-2% of reported foodborne outbreaks are estimated to be attributed to dairy products, but of those over 70% have been attributed to raw milk and inappropriately-aged raw milk cheeses. What will happen to consumer confidence in the product we sell if a single case of illness – even one caused by a well-intentioned dairy farmer is attributed to raw milk or raw dairy products in Wisconsin?

The dairy industry is very important to the state's economy as dairy farm families and dairy processors sell over \$17 billion each year in goods and services. With the multiplying factor this has a \$50 billion impact and creates 250,000 jobs, making the dairy industry the number one contributor to the state's economy. The raw milk issues have been debated for a number of years, and the issues remain the same. There is significant public health risk associated with the consumption of raw milk and FarmFirst Dairy Cooperative urges you not to support Senate bill No. 236 allowing the sale of raw milk.

The consumption of raw milk has been opposed by every major health organization in the United States, including the American Medical Association and the Academy of Pediatrics. While choice is an important value, it should not pre-empt consumers' well-being. Drinking raw milk or eating raw milk products is a dangerous game. A game that should not be allowed to impact an industry that represents so much to Wisconsin.

Sincerely,



Dennis Donohue  
General Manager  
FarmFirst Dairy Cooperative







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September 11, 2013

To: Senator Dale Schultz, Chair, and members of the Senate Committee on Financial Institutions and Rural Issues

From: David Ward, Director of Government Relations and Dairy, Cooperative Network  
John Manske, Director of Government Relations, Cooperative Network

Re: Opposition to Senate Bill 236

Thank you for the opportunity to express Cooperative Network's concerns about Senate Bill 236 (SB 236), relating to the sale of unpasteurized milk products. Cooperative Network is the trade association in Wisconsin representing all types of cooperatives, credit unions and mutual insurance companies. Among our members are dairy cooperatives that market more than 80% of the milk produced on farms in Wisconsin. Dairy cooperatives process 60% of the cheese produced in Wisconsin. Cooperative Network is a member-driven organization so, our opposition to SB 236 is derived from the opinion's of our members. Members of Cooperative Network have approved the following public policy position on the subject of raw milk: "Because of Cooperative Network's strong interest in maintaining the highest health and safety standards for dairy products, Cooperative Network opposes legislation allowing a dairy farmer to sell unpasteurized milk to consumers at the farm or at non-farm locations." This statement was originated by our Dairy Committee, representing all of our member dairy cooperatives. It was affirmed by our Government Affairs Committee, representing all of our cooperative members, as well as by our general membership at our annual meeting.

Our greatest concern relates to the potential damage to the public image of milk and the dairy industry if legislation like SB 236 results in more illness, thereby worrying the general public about the safety of milk and other dairy products. The damage to Wisconsin's number-one agricultural industry could be immense and even irreversible. For the most part, states that currently allow raw milk sales have small dairy industries as contrasted to Wisconsin. Wisconsin's dairy industry represents \$26.5 billion of our overall \$59 billion agricultural industry.

Thank you for listening to our concerns regarding SB 236.







# DAVE MURPHY

State Representative • 56th Assembly District

## Senate Bill 236

Senate Committee on Financial Institutions and Rural Issues

Wednesday, September 11, 2013

Thank you, Mr. Chairman and committee members, for allowing me to speak today.

I'm Representative Dave Murphy, and I'm the Assembly author of this bill. (AB 287)

If you have no interest in driving or walking out to a farm to purchase raw milk, you can stop listening to me now. This bill doesn't make anyone buy raw milk. This is enabling legislation.

So, why should you listen to me about raw milk? I grew up on a dairy farm. I drank raw milk and almost everyone I knew drank it. My family and friends had no negative health effects. In fact, my mom will turn 100 in just a few weeks, after drinking raw milk most of her life. At one time, my family had its own brand of dairy products, including this ice cream called Murphy's Royal Ice Cream. I worked in the dairy industry for 25 years doing nutrition work on large dairy farms in Wisconsin.

What are some concerns people bring up opposing this bill?

- Health Concerns
  - 30 states allow raw milk sales, including California, the largest dairy producer and consumer
  - Many European countries allow the sale of raw milk, even in vending machines
  - All foods carry the potential for food-borne illness. Anything has potentially negative effects. It comes with being alive. Does raw milk rise to a significantly higher risk of dangers? I would argue the risk is no higher than many other items.
  - This bill does not allow farmers to transport raw milk for sale.
- Dairy industry could be hurt
  - Did Crave Brothers listeria contamination issues hurt the industry? The unfortunate situation made news, but so do meningitis outbreaks, safety recalls and other food illnesses.
  - There is a bright line between raw and pasteurized milk. When you buy milk on the farm, it's always raw. When you buy it in the store, it's always pasteurized.
  - Have farmer's markets hurt the vegetable or bread industry? On my trip to New York City last week, I visited the farmer's market at Washington Square Park. I

was amazed by the number of vendors selling raw milk products. This same city was so health conscious the mayor wanted to ban sodas larger than 16 ounces!

- Many are concerned about raw milk, but again...pasteurized products can have contaminants, too.
- Sales of fluid milk are down 30% in the past 30 years. There are many reasons for this, but raw milk could help turn this around.
- About 85% of our milk goes into cheese, and as much as 50% of that goes on pizza
- Most of us strive to eat less processed food already. We know that raw broccoli is much better than cooked, because the vitamins don't stand up to the heat. Some prefer raw milk for the same reason.

Why is this bill important to Wisconsin?

- It sends a message to citizens that the state is not your nanny
- Those who want to buy this product should be allowed to purchase it. You don't drive to a farm and buy raw milk on a whim.
- When milk is pasteurized, it is co-mingled from various farms. This means consumers don't know which farm their milk comes from. People can't source their food.
- Consumers interested in raw milk can get to know the farm and the farmer from whom they purchase their food and/or raw milk.
- It can save small family farms. This is a niche market for small farms to compete. Dairies with 20 cows can't compete in the same market as huge dairies (like Rosendale Dairy with 8500 cows). They can generate some more revenue by selling raw milk. Where do happy cows come from? We call ourselves the dairy state, yet California advertises that their cows are happier...they are known for their huge dairy farms, not idyllic pastures like ours.
- It has potential health benefits. Raw milk has good bacteria, and some claim it helps reduce allergies and other health issues.
- Some decisions in life are personal: choosing a doctor you're comfortable with or the person who provides daycare to your children. For a growing number of people, so is the person from whom they buy their food. It's personal. No one is required to get raw milk.

A small, controlled, regulated and common sense framework for the sale of raw milk is the appropriate thing for Wisconsin.

Thank you.

## Speaking in opposition to SB 236

Doug Rebout - Rock County dairy farmer and former chair of WFBF Dairy Committee

Senate Committee on Financial Institutions and Rural Issues

September 11, 2013

On behalf of the Wisconsin Farm Bureau Federation, I appreciate the opportunity to comment in opposition of SB 236, a bill that would allow the sale of unpasteurized raw milk directly to consumers.

I farm in partnership with my mother and two brothers right outside of Janesville in Rock County. As a Farm Bureau member I have served in leadership roles at both the county and state levels. I am a former chair of Farm Bureau's state dairy committee which also allowed me to serve on our state policy and development committee.

Farm Bureau's policy states that "we oppose the sale of raw milk directly to consumers". I served on both the dairy and policy committees at the time we adopted this policy. It was a decision that was not taken lightly but with a lot of thought and plenty of discussion. We looked at this issue from every angle we could think of and included people that were on both sides of the debate. The main concerns that came up during discussions were the following.

1. HEALTH – The concern of the people who would be drinking the milk and severe illnesses that could happen from that.
2. TESTING- Milk is one of the most tested food products on the shelf today. Our milk is tested numerous times daily before going to market. What would the testing requirements be for raw milk?
3. FINANCIAL- When an illness happens who would be liable and what would this mean for dairy product consumption?
4. IMAGE- Dairy is Wisconsin's signature industry, with a proud heritage and a \$26.5 billion dollar impact.

The discussions were long and sometimes heated because we could not come up with the answers to these questions. After much debate and votes by Farm Bureau's statewide delegates, it was decided to prohibit the sale of raw milk sales directly to consumers in any form.

On our farm we raise about 200 newborn calves annually. We recently built a new barn and milk feeding system for them. Before we feed the milk to our calves we send it through a pasteurizer to get rid of the bugs and bacteria. Doing so prevents illness from spreading through our herd, such as the scours which is an intestinal disease like diarrhea. This disease gets in the animal's system and causes dehydration which if not treated will lead to death of the animal. So I ask if this tested and proven concept is best for our calves why would we want to treat our kids, family and friends any different?





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## KATHLEEN VINEHOUT

### STATE SENATOR

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Testimony on Senate Bill 236- Sale of unpasteurized milk products  
Senate Committee on Financial Institutions and Rural Issues  
September 11, 2013

Thank you Chairman Schultz and committee members for the opportunity to testify on Senate Bill 232. When this issue last came before the Legislature, I was chair of the committee that brokered a compromise which allowed the bill to pass each house by wide margins. Now, this committee is charged with finding a similar compromise to resolve this contentious issue. I know the difficulties you face and I appreciate the opportunity to share the lessons we learned from the previous session.

People on each side of this issue have passionate beliefs. At times, this has led to divided and polarized views and heated discussion. In this debate, I am concerned that we often talk past each other and we lock into our positions. If we don't address the problem reasonably and productively together, the problem will go unresolved or become worse. No one wants that to happen.

Many consumers have expressed a strong and sincere desire to have access to raw milk. For them, this is a matter of choice and individual decision making. On the other hand, protecting our citizens by ensuring public health and food safety are important government functions. While often cast as polar opposites, these concerns are not mutually exclusive. This debate need-not be an all-nothing affair.

I encourage you to study Senate Substitute Amendment 1 to 2009 Senate Bill 434. This committee amendment was the product of an exhaustive public hearing with over 600 registrations, intensive discussion with stakeholders, and examination of the laws of other states and countries.

We arrived at a middle ground on sales, testing, health protections, registration, liability, rulemaking and enforcement. The amendment sought to give informed consumers a choice while protecting public health. It gave dairy producers the option to sell unpasteurized milk and minimized the risk to Wisconsin's hard-earned reputation for high quality dairy products.

This issue does have a middle ground, but to find it we need to address the issue in a reasonable and practical way. Thank you for the opportunity to appear before you. I am happy to take any questions you may have now or in the future.







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## WISCONSIN LEGISLATIVE COUNCIL AMENDMENT MEMO

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**2009 Senate Bill 434**

**Senate Substitute  
Amendment 1**

*Memo published:* March 23, 2010

*Contact:* David L. Lovell, Senior Analyst (266-1537)

### **Senate Bill 434**

Senate Bill 434 relates to the sale of unpasteurized, or raw, milk. The bill allows a person who holds a Grade A dairy permit to apply for and receive from the Department of Agriculture, Trade, and Consumer Protection (DATCP) a license to sell raw milk and milk products. It allows a holder of such a permit to sell raw milk and butter, cream, and buttermilk made from raw milk if: (1) either the producer or purchaser provides a sanitary container and the container is filled in a sanitary manner; and (2) the producer posts a sign where the sale takes place indicating that the milk products for sale do not provide the protection of pasteurization. The bill provides a limited waiver of liability for the producer in the event that a person dies or is injured as a result of consuming raw milk sold by the producer.

### **Senate Substitute Amendment 1**

Senate Substitute Amendment 1 replaces the provisions of the bill with an interim registration program, ending on December 31, 2011, for the limited sale of raw milk under specified conditions and subject to specified regulation. Specifically, it provides as follows:

#### ***Registration***

The substitute amendment replaces the license to sell raw milk products with a requirement that the producer register with the DATCP.

#### ***Sales***

The substitute amendment limits sales to fluid milk. The milk must be sold on the farm where it is produced, and sold by the producer to the consumer, not for resale. Except for on-farm signage, the producer may not advertize the availability of raw milk for sale.



### ***Notices***

The substitute amendment expands the notice required under the bill to include a statement that certain categories of persons who may be particularly susceptible to illness from contaminated milk should not consume raw milk. It also requires that the producer affix a label on the milk container that includes the same statement, as well as the producer's name and address and the date of the sale.

### ***Health Protections; Testing and Record-Keeping***

The substitute amendment requires that a producer who sells raw milk must comply with all requirements of his or her Grade A dairy permit. In addition, the producer must have his or her product sampled for specified pathogens at least once per month and must submit the test results to the DATCP.

The substitute amendment requires that a producer who sells raw milk must freeze a sample of each day's product and maintain the frozen sample for at least 15 days or another time specified by the DATCP in rules. In addition, the producer must make a record of each sale, including the name and address of the buyer and the date of the sale, and maintain the record for at least one year. The producer must make the samples and sales records available to the DATCP for inspection upon reasonable notice.

### ***Enforcement***

The substitute amendment specifies that the DATCP may suspend a producer's registration to sell raw milk if any pathogens are detected in a 25-gram sample of milk in any two of four consecutive monthly samples. In addition, the DATCP may suspend a producer's registration for violation of the requirements related to the production and sale of raw milk that are created by the substitute amendment.

### ***Rules***

The substitute amendment directs the DATCP to promulgate rules specifying registration forms and procedures for the administration of and compliance with the testing and record-keeping requirements. It requires the DATCP to promulgate these rules as emergency rules not later than the first day of the first month after the effective date of the requirement. It waives the requirement of a finding of emergency for the use of the emergency rule-making procedures in this case.

### ***Sunset***

The substitute amendment specifies that the authority of a person registered with the DATCP to sell raw milk does not apply after December 31, 2011.

### ***Liability***

The substitute amendment omits the limited waiver of liability in the bill.



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C O R N U C O P I A  
I N S T I T U T E

## Legalizing Raw Milk Takes Center Stage at Wisconsin's Capital

Wisconsin is currently considering Senate Bill 236 and Assembly Bill 287, bills that would permit the sale of raw milk directly from Wisconsin farmers to consumers. Raw milk has been a staple of Wisconsin and American diets for many generations and it has been consumed for many years without negative health effects.

The bill is sponsored by Senators Grothman, Schultz, Leibham, Vukmir and Tiffany; and cosponsored by Representatives Murphy, Danou, Clark, Doyle, Knodl, Craig, Pridemore, Pope and Berceau.

Mark Kastel, The Cornucopia Institute's Codirector and Senior Farm Policy Analyst, will seek to present the following points in invited testimony today:

1. The Cornucopia Institute is "neutral" on the health attributes of consuming raw milk and dairy products. We represent dairy producers whose milk is ultimately pasteurized (HTST or UHT) and we have a number of members, nationwide, who market raw milk (raw milk is available to consumers, at retail or directly from farmers, in about 30 states).
2. Prohibition didn't work. Just like in the 1920s, we are wasting a tremendous amount of tax dollars in the dragnet attempting to ensnare family-scale farmers, who are acting as astute entrepreneurs, in creating a product to meet consumer demand. How many tens of thousands of dollars do you think the DATCP spent on the investigation and failed prosecution of just one farmer, Vernon Hershberger in Baraboo?
3. Although I won't speak to the relative safety of raw milk, I will say that a quickly emerging body of scientific literature points to the exquisite interrelationship of how microbes in our body contribute to our overall health and well-being. Whether we are talking about high temperature pasteurization, irradiation or broad-spectrum antibiotics, the "sterilization" of our gut flora, we are now learning, has led to a host of health problems including rampant asthma, allergies and autoimmune problems in our young and old alike.
4. Over the recent decades, consumption of fluid milk in this country has dropped precipitously. Medical experts have suggested people consume skim milk. Compared to whole milk, skim is hardly a treat. And whole raw milk has a level of flavor and sweetness unparalleled. I can understand why so many folks have become addicted.
5. This is a crass example of raw corporate lobby power versus individual rights. The dairy industry versus family farmers. While the answer to economic development in Wisconsin, under both Republican and Democratic administrations, has been to pump more money into the development of dairy





CAFOs (concentrated animal feeding operations or "factory farms") with deleterious impacts to the environment, quality of life for rural residents and ultimately economic viability for family-scale

farmers, it is now fighting one of the brightest opportunities for dairy producers who want to operate on a family scale. This is wrong.

6. And I would especially expect that the appeal of raw milk advocates would resonate with Republican members of this legislature who have always advocated for both personal freedom of choice and preventing economic innovation from stifling overregulation. Raw milk should be clearly labeled and consumers should have the right to make informed decisions. If industry interests think their milk is safer, they should have the right to articulate their viewpoint in the marketplace.
7. This is selective enforcement. There are all kinds of foods and consumer items that are knowingly dangerous yet continued to be marketed in Wisconsin and the US. Let's just take one product category, diet sodas, which have always presented competition to Wisconsin dairy industry. According to research presented by the American Stroke Association, people who consume one or more diet sodas per day have a 61% increase in "vascular events" and strokes. Likewise, peer-reviewed research published in the American Journal of Clinical Nutrition found a 38% increase in premature birth by mothers consuming diet sodas. But, due to raw political power by corporate agribusiness, some of these neurotoxic "non-caloric sweeteners" remain on the market in Wisconsin. So let's go after raw milk instead!
8. And finally, I would like to speak to the specious arguments presented by the dairy lobby that somehow, if anyone gets sick after consuming raw milk, it will destroy Wisconsin's dairy industry. Consumers aren't that stupid. Can you imagine any media outlet being irresponsible enough to have the headline "milk makes people sick?" That would never happen. Reporters and editors would differentiate between the milk that's commonly available in the grocery store and milk purchased directly from a farmer. That would be a key part of any story. There is only an upside for Wisconsin dairy farmers in allowing the sale of raw milk. The full-court press by the dairy lobby is a protectionist attempt to circumvent competition that they cannot control.
9. According to a Center for Disease Control (CDC) report from 2011, there are about 48 million people affected by foodborne illnesses each year. Estimates are that .2 percent – or about 50 of these 48 million – may have been caused by raw milk consumption.
10. **Thirty states currently allow for the sale of raw milk, including our neighbors in Minnesota and Illinois.** Wisconsin currently has no exceptions for the sale of raw milk directly from farms to consumers. California, the nation's leading dairy producer, allows for the sale of raw milk and raw cheese and has experienced no adverse effects to their dairy industry as a whole and in fact has expanded their industry to a new clientele.

*The Cornucopia Institute is a farm policy research group based in Cornucopia, Wisconsin. With almost 9000 members, Cornucopia is thought to represent more certified organic farmers than any other similar organization in the United States. For more, visit [www.cornucopia.org](http://www.cornucopia.org)*



Testimony on SB 236

Chris Pollack, dairy farmer

Senate Committee on Financial Institutions and Rural Issues

Wednesday, September 11, 2013

My name is Chris Pollack and I am here to testify in opposition to legislation to legalize the sale of raw milk directly to consumers. As the owner of a Grade A dairy farm I have several concerns about how this bill could affect the dairy industry and consumers.

As a dairy farmer, I am concerned about what effect a raw milk scare could have on our state. Wisconsin has a tremendous reputation that spans the globe for its quality dairy products. Collectively, our state's dairy community has spent billions on upgrading and expanding the infrastructure for an industry that brings well over \$25 billion annually into Wisconsin's economy.

I talk to consumers about what I do as a dairy farmer. I meet many who lack basic information and others who are misled about our industry. I understand that raw milk is drastically different than the products available for purchase at the market, but I feel many other consumers do not. Without realizing the critical difference between milk that has been pasteurized and milk that has not, I think consumers will shun dairy products all together if there is an outbreak of illness from raw milk. Consider the effect that H1N1 (also referred to as the swine flu) had on the pork industry. Consumption of pork dropped substantially even though the flu had absolutely nothing to do with pork. Illness that could be prevented by pasteurization will unnecessarily hurt the reputation of America's Dairyland.

As a dairy farmer, I would like to ask why would you legalize the sale of a product that I won't even feed to my calves? That's right, you may know that it's common practice for dairy farms to feed a milk replacer to their calves. This dried milk concentrate is pasteurized in the drying process. On my farm, we use milk from our cows instead of milk replacer to feed our calves, but it's not raw milk! We made a substantial investment in a machine to pasteurize the milk from our herd before feeding it to my calves to eliminate the spread of bacteria and any potential disease. This insures our calves are as healthy as possible. After all, pasteurization exists for a reason.

I want to share a personal example of why raw milk is not safe. Roughly 15 years ago, my cousin attended a Christmas gathering at her grandparents' farm. Raw milk was served with Christmas dinner. Two days after Christmas, Kayla began experiencing flu like symptoms with bloody diarrhea that progressively got worse. By New Year's Eve, she had become so sick that she could not be awoken from a nap. Her parents took her to St. Paul Children's Hospital where Kayla was immediately taken into surgery to administer kidney dialysis and medication into her chest. Kayla's mother asked the doctors if she would be alright, but they couldn't give an answer. All they could say is that Kayla was a very sick little girl and they would have to see how things went. That for a parent is the most terrifying thing to be told about your child. Kayla would spend 14 days in intensive care only to get worse before getting

better. Her pancreas failed, as did her kidneys, which required her to be on dialysis for two weeks of her stay. Fluid accumulated around her heart and lungs as a result of the dialysis. For 18 agonizing days, her parents lived in fear that she may not recover or worse yet, might not see her next birthday. Fortunately, Kayla eventually recovered but years later as an adult she still lives with a weakened immune system.

Liability is another issue regarding raw milk that concerns me as a dairy farmer. Obviously my cousin Kayla's family faced a mountain of health care costs, which their insurance thankfully covered. What do you suppose was the first question the insurance company asked of them? Do you plan to sue?

Who is ultimately liable when someone gets sick or even dies from consuming raw milk? Is it the State of Wisconsin that would permit the farmer to sell raw milk? Is it the farmer? As a dairy farmer I can tell you I feel it is morally irresponsible for us to hide behind a contract releasing us of any liability when the medical world has long established that pasteurization would have made our product safer.

Thank you for letting me share my thoughts on raw milk. I would be happy to answer any of your questions.



STATE REPRESENTATIVE  
**CHRIS DANOU**

WISCONSIN STATE ASSEMBLY

92nd DISTRICT

Testimony before the Senate Committee on Financial Institutions and Rural Issues

Representative Chris Danou  
September 11, 2013

Chairman Schultz and Members of the Committee,

Thank you for taking the time to hear testimony and discuss this important issue. Senate Bill 236 is a simple bill. Even though this bill is simple, this issue has for years, stirred emotions both for and against. The goal is to legalize and regulate the sale of unpasteurized, or "raw" milk and other milk products. This bill allows a dairy farmer to register with DATCP for the purpose of selling unpasteurized milk and milk products directly to consumers on the farm.

Under the bill, a dairy farmer who is registered is not required to obtain a milk producer license or a grade A permit if the dairy farmer does not send any milk to a dairy plant or processor and does not sell milk or milk products other than unpasteurized milk and milk products sold on the farm. A dairy farmer who registers with DATCP may sell unpasteurized milk and milk products if all of the following apply:

1. The dairy farmer or the consumer provides a clean container.
2. The milk or milk product is labeled with the name of the milk producer and with an indication that the milk or milk product is not pasteurized.
3. The dairy farmer posts a sign stating "Raw milk products sold here. Raw milk products are not pasteurized."
4. The unpasteurized milk complies with the DATCP rules for grade A milk concerning appearance and odor, bacterial count, drug residues, somatic cell count, temperature, and pesticides and toxic substances.
5. The milk producer complies with the DATCP rules concerning the water supply for dairy operations.

Again, the goals of this bill are to create a legal and regulatory framework for those who wish to sell raw milk and those who wish to purchase and consume it. Unlike the fourteen states that allow for retail sales of raw milk, this bill still requires the consumer to head out to the farm and buy the unpasteurized milk directly from the farmer.

We all know that dairy is big business here in Wisconsin. Consequently, some business interests are concerned that if people get sick from raw milk, our state's \$26.5 billion dairy industry could be tainted. That hypothesis doesn't seem to bother the State of California, as it is one of the fourteen states that allow for retail sales of raw milk. That

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STATE REPRESENTATIVE  
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WISCONSIN STATE ASSEMBLY

92nd DISTRICT

means you can go to the store and buy raw milk. SB 236 does not allow for retail sales in Wisconsin.

I mention California because the state is ranked first in the U.S. in total milk, butter, ice cream, nonfat dry milk, and whey protein concentrate production. Although California tops Wisconsin in production of these dairy products, they are still second in total cheese production behind our great state. California accounts for 21% of the United States' milk production and in 2012, California produced 42 billion pounds of milk – more than one-fifth of the nation's total production. Now, how can we honestly say raw milk sales could taint the reputation of the dairy industry in Wisconsin when it has certainly not done that in California?

Make no mistake, there is clearly a demand for raw milk, and if this bill fails, raw milk will still be sold and consumed in Wisconsin. Clearly this is far from an ideal situation. Both consumers who wish to purchase raw milk and farmers wishing to sell it are ultimately not well served under the existing framework.

This past May, Vernon Hershberger, a farmer from Loganville was acquitted in a jury trial of three charges that included operating an unlicensed retail store and operating a dairy farm and dairy processing facility without licenses. He was found guilty of one misdemeanor charge of violating the hold order placed on raw milk and other products in his store. I think it's fair to point out that with this light verdict from a jury, people from across Wisconsin will continue to sell and consume raw milk. As legislators, isn't it our responsibility to acknowledge this and make sure there is a safe and regulated market?

I think it's also fair to point out that Wisconsin will certainly not be a trailblazer when it comes to this law. As I mentioned earlier, fourteen states allow for the sale of raw milk in retail stores separate from the farm, which this bill does not allow. All other states, except for nineteen that prohibit raw milk sales, allow raw milk sales in one form or the other. Our neighboring states of Minnesota and Illinois also allow raw milk sales.

It's perhaps fair to say that a desire for cheese made with raw milk goes beyond Wisconsin and the United States. In Italy, raw milk can be purchased from vending machines and old world cheese makers use raw milk for making high quality cheeses. For example, genuine "Parmesan" cheese from Parma Italy, in order to be recognized as genuine must be made with unpasteurized milk.

The opponents of this bill claim that raw milk is hazardous to people's health and that pasteurized milk is the only safe option. Keep in mind when, pasteurization was introduced, milk was coming from dairies that were milked by hand into open buckets and modern refrigeration techniques were in their infancy. Dairy farmers were still

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putting their product into milk cans and dumping it into an outdoor chute at the local dairy or creamery.

Raw milk, like any food product, can become contaminated and cause illness. To suggest that raw milk is somehow worse than other legal food products is not supported by the evidence. We've seen outbreaks of food-borne illnesses come from massive industrial scale processing facilities that make peanut butter. We've seen contaminated spinach, lettuce, tomatoes and beef as well as an incident of salmonella contamination in Hydrolyzed Vegetable Protein, which is an ingredient in processed foods. In fact in a 2003 USDA/FDA study it was found that deli meats, on a per serving basis were ten times more likely to cause an illness than was raw milk. I don't hear any serious calls to ban the sale of peanut butter, spinach, beef, deli meats or any other type of uncooked meats or vegetables deli meats in Wisconsin.

I'd also like to point out that according to the Wisconsin Safe Milk Coalition, there have been roughly 120 raw milk health outbreaks since 1998. That means there have been about 12 outbreaks a year. Further, according to the CDC, only 50 of 48 million cases of food-borne illnesses in the United States in 2011 originated from raw milk. Obviously, I think it's fair to say that nothing is perfect and stuff happens, but those who choose to actively produce, sell and purchase raw milk should have the ability to do so in a responsible manner.

This bill deals with many of the potential health concerns by making sure that the seller must comply with rules for grade A milk. The milk producer or consumer must provide a sanitary container. The area must also be clearly signed stating that raw milk products are sold and that raw milk does not provide for the protection of pasteurization.

There are also substantial economic benefits that come with this bill. For some dairy farmers, raw milk sales present an opportunity to capture more of the retail dollar through direct sales and increase profits by adding value to milk products.

In the end, what this bill is about is allowing people who wish to purchase and consume raw milk the freedom to do so, and allowing the farmer who wishes to sell raw milk the freedom to do so without fear that agents of the state will put them out of business. The standards laid out in this legislation makes it clear to producers and consumers the health safe guards and risks associated with the production and sales of raw milk.

This bill is about the freedom to sell the products of your labor, and freedom to consume a wholesome product of your choice.

Thank you for your time and consideration of this bill.

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## Dairy and Egg Branch/CFSAN/FDA 9-21-2012

Florida Department of Health	Risk of Consumption of Raw Milk	<a href="http://www.doh.state.fl.us/Environment/medicine/foodsurveillance/pdfs/rawmilkrisk.pdf">http://www.doh.state.fl.us/Environment/medicine/foodsurveillance/pdfs/rawmilkrisk.pdf</a>
Food and Drug Administration	M-1-03-4: Sale/Consumption of raw Milk-Position Statement	<a href="http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/CodedMemoranda/MemorandaofInformation/ucm079103.htm">http://www.fda.gov/Food/FoodSafety/Product-SpecificInformation/MilkSafety/CodedMemoranda/MemorandaofInformation/ucm079103.htm</a>
Health Canada	Statement from Health Canada About Drinking Raw Milk	<a href="http://www.hc-sc.gc.ca/fn-an/secure/facts-faits/rawmilk-laicru-eng.php">http://www.hc-sc.gc.ca/fn-an/secure/facts-faits/rawmilk-laicru-eng.php</a>
International Association for Food Protection	Milk Pasteurization and the Consumption of Raw milk in the United States	<a href="http://www.foodprotection.org/files/general-interests/Milk_Pasteurization_Paper.pdf">http://www.foodprotection.org/files/general-interests/Milk_Pasteurization_Paper.pdf</a>
Kentucky Public Health Association, Incorporated	Position Statement (2006-2007). Pasteurization of Raw Milk	<a href="http://www.kpha-ky.org/Portals/72/Policy/2001-2007%20Policy%20Statements.pdf">http://www.kpha-ky.org/Portals/72/Policy/2001-2007%20Policy%20Statements.pdf</a>
Michigan State University Extension	Myths and Facts About Raw Milk.	<a href="http://msue.anr.msu.edu/news/myths_and_facts_about_raw_milk">http://msue.anr.msu.edu/news/myths_and_facts_about_raw_milk</a>
National Conference on Interstate Milk Shipments	Resolution No. 10	<a href="http://www.ohiodairyvets.org/wp-content/uploads/2007/08/ncims-raw-milk-resolution.pdf">http://www.ohiodairyvets.org/wp-content/uploads/2007/08/ncims-raw-milk-resolution.pdf</a>
National Dairy Council	Raw Milk Fact Sheet	<a href="http://www.nationaldairycouncil.org/SiteCollectionDocuments/footer/FAQ/food_safety/RawMilkFactSheet.pdf">http://www.nationaldairycouncil.org/SiteCollectionDocuments/footer/FAQ/food_safety/RawMilkFactSheet.pdf</a>
National Environmental Health Association	Position Regarding Sale or Distribution of Raw Milk	<a href="http://www.neha.org/position_papers/position_raw_milk.htm">http://www.neha.org/position_papers/position_raw_milk.htm</a>
National Mastitis Council	Position Statement on the Consumption of Raw Unpasteurized Milk	<a href="http://nmconline.org/docs/RawMilkStatement.pdf">http://nmconline.org/docs/RawMilkStatement.pdf</a>
University of Georgia	Unpasteurized Milk Poses Serious Health Risks	<a href="http://georgiafaces.caes.uga.edu/index.cfm?public=viewStory&amp;pk_id=3445">http://georgiafaces.caes.uga.edu/index.cfm?public=viewStory&amp;pk_id=3445</a>
Vermont Veterinary Medical Association	Raw Milk Sales and Consumption	<a href="http://www.vtvets.org/about/position_statement.shtml">http://www.vtvets.org/about/position_statement.shtml</a>
Wisconsin Madison and Dane County Public Health	Policy Statement. The Consumption of Raw Milk	<a href="http://www.publichealthmdc.com/documents/RawMilkPolicy.pdf">http://www.publichealthmdc.com/documents/RawMilkPolicy.pdf</a>



## Dairy and Egg Branch/CFSAN/FDA 9-21-2012

Raw milk position statements from various organizations, including FDA

Organization	Title	Web links (last accessed on 9/21/2012 unless stated otherwise)
American Academy of Pediatrics	Advise Families Against Giving Children Unpasteurized Milk	<a href="http://aapnews.aappublications.org/content/29/12/29.full.pdf">http://aapnews.aappublications.org/content/29/12/29.full.pdf</a>
American Association of Public Health Veterinarians	Position Statement on Raw (Unpasteurized) Milk/Products	<a href="http://dairy.nv.gov/safety/Public_Health_Veterinarian_Coalition_Committee/">http://dairy.nv.gov/safety/Public_Health_Veterinarian_Coalition_Committee/</a>
American Medical Association	H-150.980 Milk and Human Health	<a href="http://www.ama-assn.org/ad-com/polifind/Hlth-Ethics.pdf">http://www.ama-assn.org/ad-com/polifind/Hlth-Ethics.pdf</a> (page 144)
American Veterinary Medical Association	Position on Pasteurization Reaffirmed	<a href="https://www.avma.org/News/JAVMANews/Pages/050601t.aspx">https://www.avma.org/News/JAVMANews/Pages/050601t.aspx</a>
Arizona Department of Health Services	The Dangers of Raw Milk	<a href="http://www.azdhs.gov/phs/oids/vector/brucella/pdf/DangersOfRawMilk.pdf">http://www.azdhs.gov/phs/oids/vector/brucella/pdf/DangersOfRawMilk.pdf</a>
Association of Food and Drug Officials	Position Statement of the Association of Food & Drug Officials on Raw Milk	<a href="http://www.afdo.org/docs/doc.cfm?fileid=307">http://www.afdo.org/docs/doc.cfm?fileid=307</a> (last accessed in September, 2011, pdf available)
Canadian Institute of Public Health Inspectors	Position Statement Regarding the Sale and Distribution of Raw Milk	<a href="http://www.ciph.nl.ca/CIPH1%20Raw%20Milk%20Position%20Statement%20Eng%20Version%20Aug%2031%20(2).pdf">http://www.ciph.nl.ca/CIPH1%20Raw%20Milk%20Position%20Statement%20Eng%20Version%20Aug%2031%20(2).pdf</a>
Centers for Disease Control and Prevention	Got Raw Milk? Don't Drink It!	<a href="http://www.cdc.gov/media/matte/2012/02_Raw_Milk_Dontdrink.pdf">http://www.cdc.gov/media/matte/2012/02_Raw_Milk_Dontdrink.pdf</a> and <a href="http://www.cdc.gov/foodsafety/rawmilk/raw-milk-index.html">http://www.cdc.gov/foodsafety/rawmilk/raw-milk-index.html</a> Then click on <a href="#">Got Milk? Don't Get Raw Milk! A Cautionary Tale.</a> May 16, 2011, CDC expert Dr. Rob Tauxe discusses the dangers of raw milk
Colorado State University	Safety Concerns About Raw Milk	<a href="http://www.ext.colostate.edu/safefood/news/1r11n2s03.htm">http://www.ext.colostate.edu/safefood/news/1r11n2s03.htm</a>
Cornell University	Position Statement on Raw Milk Sales and Consumption	<a href="http://www.cals.cornell.edu/cals/foodsci/extension/upload/RAW-MILK-MQIP-Position-Statement-01-09.doc">http://www.cals.cornell.edu/cals/foodsci/extension/upload/RAW-MILK-MQIP-Position-Statement-01-09.doc</a>
Council of State and Territorial Epidemiologists	Prevention of Illness Associated with Unpasteurized Dairy Product Consumption	<a href="http://www.cste.org/dnn/Portals/0/activeforums_Attach/09-ID-21_Unpasteurized_Dairy.doc">http://www.cste.org/dnn/Portals/0/activeforums_Attach/09-ID-21_Unpasteurized_Dairy.doc</a>
Delaware Health and Social Services	Raw (Unpasteurized) Milk Consumption	<a href="http://www.dhss.delaware.gov/dph/files/rawmilkfaq.pdf">http://www.dhss.delaware.gov/dph/files/rawmilkfaq.pdf</a>



# Raw Milk Headlines

## July 2012 – August 2013

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Title: Letter From the Editor: Raw Milk Wars Return to Wisconsin  
Category: Raw Milk  
Source: Food Safety News  
Author: Dan Flynn  
Run Date: September 8, 2013  
Summary: As changes are made to state laws and regulations involving raw milk, the editor of Food Safety News says a point system should be developed to determine where the U.S. is at, on a 50-state basis, with winning the never-ending war on raw milk legislation.

<http://www.foodsafetynews.com/2013/09/letter-from-the-editor-raw-milk-wars-returns-to-wisconsin/>

Title: The Family Cow Resumes Sale of Raw Milk  
Source: Public Opinion  
Run Date: August 28, 2013  
Summary: The Family Cow Farm of Chambersburg, PA is selling raw milk again after a shutdown of more than two weeks after two illnesses of Campylobacteriosis were linked to the products produced on the farm. The farm passed Pennsylvania Department of Agriculture requirements on Monday.

[www.publicopiniononline.com/localnewsmore/ci\\_23959949/family-cow-resumes-sale-raw-milk](http://www.publicopiniononline.com/localnewsmore/ci_23959949/family-cow-resumes-sale-raw-milk)

Title: Farmer Accused of Transporting Raw Milk  
Source: Winona Daily News  
Date: August 14, 2013  
Summary: A Minnesota farmer who pleaded guilty to selling raw milk is accused of violating terms of his parole by transporting unpasteurized milk for sale.

Title: Ag Department Warns Consumers To Discard Milk From Jackson Township Farm  
Source: Press Release  
Date: August 8, 2013  
Summary: Consumers and retailers who bought raw milk from Green Acres Jersey Farm in Jackson Township should discard it immediately due to *Listeria monocytogenes* contamination found in a recent sample collected by the Pennsylvania Department of Agriculture. No illnesses have been reported.

Title: Consumers Warned to Discard Raw Milk Purchased from Franklin County Farm  
Source: Press release  
Date: August 5, 2013

Summary: The Pennsylvania Departments of Agriculture and Health has advised consumers to discard raw milk produced by The Family Cow in Chambersburg, because laboratory tests and recent illnesses indicate the raw milk may contain *Campylobacter* bacteria. Agriculture officials have ordered the owners of the farm to stop the sale of all raw milk until further notice.

[www.agriculture.state.pa.us/portal/server.pt/community/pennsylvania\\_department\\_of\\_agriculture/10297/pa\\_agriculture\\_news\\_releases?navid=15&parentnavid=0&](http://www.agriculture.state.pa.us/portal/server.pt/community/pennsylvania_department_of_agriculture/10297/pa_agriculture_news_releases?navid=15&parentnavid=0&)

Title: Voluntary Recall Cream from Ozark Mountain Creamery

Source: MissouriNet

Date: June 25, 2013

Summary: The Missouri State Milk Board, in conjunction with the Missouri Department of Agriculture and the Missouri Department of Health and Senior Services announced that Ozark Mountain Creamery is voluntarily recalling some of its cream due to positive tests for high residual phosphatase. High levels of residual phosphatase may indicate potentially unpasteurized or improperly pasteurized milk.

[www.missourinet.com/2013/06/25/voluntary-recall-cream-from-ozark-mountain-creamery/](http://www.missourinet.com/2013/06/25/voluntary-recall-cream-from-ozark-mountain-creamery/)

Title: Minnesota Health Officials Identify Illnesses Linked to Raw Milk

Source: Press Release

Date: June 25, 2013

Summary: Minnesota state health and agriculture officials reported today that routine disease surveillance has detected at least six illnesses linked to consumption of raw dairy products from a farm near Cambridge, MN. The individuals were confirmed to have contracted *Campylobacter jejuni*.

[www.health.state.mn.us/news/pressrel/2013/rawmilk062513.html](http://www.health.state.mn.us/news/pressrel/2013/rawmilk062513.html)

Title: MDA Issues Consumer Advisory for Autumnwood Farm Skim Milk

Source: Press release

Date: June 21, 2013

Summary: The Minnesota Department of Agriculture (MDA) is advising consumers to avoid consuming Autumnwood Farm brand Skim Milk sold in one-half gallon glass bottles with a sell-by date of 6/24/2013 after a routine inspection by MDA staff found the product had not been properly pasteurized. No illnesses have been reported.

[www.mda.state.mn.us/en/news/releases/2013/nr-2013-06-21-recall.aspx](http://www.mda.state.mn.us/en/news/releases/2013/nr-2013-06-21-recall.aspx)

Title: Blue Hill Raw Milk Seller Ordered To Pay \$1,000 In Fines, Court Fees

Source: Bangor Daily News

Date: June 18, 2013

Summary: A dairy producer in Blue Hill, ME has been ordered to pay \$1,000 in fines and court fees for illegally selling unlabeled, unlicensed raw milk from his roadside farm stand.

<http://bangordailynews.com/2013/06/18/news/hancock/blue-hill-raw-milk-seller-ordered-to-pay-1000-in-court-fines-fees/>

Title: Raw Milk Dairy Forms Nonprofit, Launches Crowdfunding Campaign  
Source: USAgNet  
Date: June 17, 2013  
Summary: Raw milk dairy, Eastleigh Farm in Framingham, Mass., has a pending IRS 501(c)3 status under the name of Eastleigh Farm Educational Foundation. It is launching its first fundraising campaign on Indiegogo.com to save the farm, the largest provider of raw milk dairy products in Massachusetts, advocate for animal welfare and one of the last expanses of open space in Framingham.  
[www.wisconsinagconnection.com/story-national.php?Id=1365&yr=2013](http://www.wisconsinagconnection.com/story-national.php?Id=1365&yr=2013)

Title: Pure Éire Dairy Recalls Raw Milk  
Source: Columbia Basin Herald  
Date: June 6, 2013  
Summary: Raw milk products from Pure Éire dairy in Othello are being recalled due to the possibility of E. coli contamination after the Washington State Department of Agriculture officials discovered the product may have been contaminated. No illnesses have been reported.  
[www.columbiabasinherald.com/business/agriculture/article\\_a553b77a-ce04-11e2-8539-001a4bcf887a.html](http://www.columbiabasinherald.com/business/agriculture/article_a553b77a-ce04-11e2-8539-001a4bcf887a.html)

Title: Family Cow To Resume Production, Sale Of Raw Milk  
Source: Public Opinion  
Date: June 6, 2013  
Summary: The Family Cow in Chambersburg, PA has passed an inspection by the Department of Agriculture and can resume production and sale of raw milk.  
[www.publicopiniononline.com/latestnews/ci\\_23395551/family-cow-resume-production-sale-raw-milk](http://www.publicopiniononline.com/latestnews/ci_23395551/family-cow-resume-production-sale-raw-milk)

Title: Senate Approves Bill that Exempts Farmers Who Sell Raw Milk from Licensing Requirements  
Source: Bangor Daily News  
Date: June 5, 2013  
Summary: The Maine Senate approved a bill on Wednesday that would allow farmers to sell small quantities of raw milk directly to consumers without getting a license, as long as the milk is clearly labeled. The bill now goes to the House of Representatives for a vote.  
<http://bangordailynews.com/2013/06/05/politics/senate-approved-bill-that-exempts-farmers-who-sell-raw-milk-from-licensing-requirements/>

Title: Delaware Bill Would Allow Consumers to Purchase Raw Milk on Farms  
Source: Associated Press  
Date: June 3, 2013  
Summary: A Delaware bill seeks to end the state's ban on the sale of raw milk and allow sales at the property where the milk is produced.  
[http://www.washingtonpost.com/national/delaware-bill-would-allow-consumers-to-purchase-raw-milk-on-farms/2013/06/03/0410dfca-cc90-11e2-8573-3baeea6a2647\\_story.html](http://www.washingtonpost.com/national/delaware-bill-would-allow-consumers-to-purchase-raw-milk-on-farms/2013/06/03/0410dfca-cc90-11e2-8573-3baeea6a2647_story.html)

Title: Pa. Dept. of Ag: Raw Milk from Local Farm Sickens Five People



Source: Chambersburg Public Opinion (PA)  
Date: May 29, 2013  
Summary: The Pennsylvania Department of Agriculture has confirmed five cases of confirmed Campylobacter infection in people who consumed milk from The Family Cow in Chambersburg, PA.  
[www.publicopiniononline.com/latestnews/ci\\_23344959/pa-agriculture-department-orders-halt-raw-milk-sales](http://www.publicopiniononline.com/latestnews/ci_23344959/pa-agriculture-department-orders-halt-raw-milk-sales)

Title: Jury Verdict Split as Raw Milk Trial Ends  
Source: Dairy Herd  
Date: May 28, 2013  
Summary: A jury found a WI dairy producer guilty on just one charge – violating a holding order placed on his products following a 2010 raid, and innocent on three other charges. He now faces up to a year in jail and \$10,000 in fines, the sentencing date is yet to be announced.  
[www.dairyherd.com/dairy-news/latest/Jury-verdict-split-as-raw-milk-trial-ends-209169671.html](http://www.dairyherd.com/dairy-news/latest/Jury-verdict-split-as-raw-milk-trial-ends-209169671.html)

Title: Second Raw Milk Campylobacter Outbreak Tied to Alaska Cow-Share Program  
Source: Food Safety News  
Date: May 24, 2013  
Summary: The Alaska Department of Health and Social Services reports at least five new cases of Campylobacter infection linked to the same Alaska cow-share program that caused an outbreak in February 2013.  
<http://www.foodsafetynews.com/2013/05/second-raw-milk-campylobacter-outbreak-tied-to-ak-cow-share-program/#.UZ-WyJVPvfg>

Title: Twenty-Five Salmonella Illnesses Now Linked to Homemade Unpasteurized Fresh Cheese  
Source: Press Release  
Date: May 20, 2013  
Summary: At least 25 Minnesotans have been sickened with salmonellosis linked to eating queso fresco - a raw Mexican-style cheese.  
[www.health.state.mn.us/news/pressrel/2013/salmonella052013.html](http://www.health.state.mn.us/news/pressrel/2013/salmonella052013.html)

Title: Raw Milk Campylobacter Outbreak on Kenai Peninsula Sickened 31  
Source: Food Safety News  
Date: May 7, 2013  
Summary: A follow-up report to a January and February outbreak of campylobacter in Alaska finds other pathogenic bacteria present on the farm, and health authorities say the products could still cause illness in the future.  
[www.foodsafetynews.com/2013/05/raw-milk-campylobacter-outbreak-on-kenai-peninsula-sickened-31/#.UYlyDZVPvfg](http://www.foodsafetynews.com/2013/05/raw-milk-campylobacter-outbreak-on-kenai-peninsula-sickened-31/#.UYlyDZVPvfg)

Title: Illinois Wants to Tighten Rules for On-Farm Raw Milk Sales  
Source: Food Safety News  
Date: May 7, 2013

Summary: Proposed Illinois law seeks to further tighten regulation on the sale of raw milk. The proposal would allow on-farm sales to continue, but limit sales to 100 gallons per month; require dairies selling raw milk to achieve Grade A certification; and require the farms to maintain a log of customer names and numbers.

[www.foodsafetynews.com/2013/05/illinois-wants-to-tighten-rules-for-on-farm-raw-milk-sales/#.UYIzL5VPvfg](http://www.foodsafetynews.com/2013/05/illinois-wants-to-tighten-rules-for-on-farm-raw-milk-sales/#.UYIzL5VPvfg)

Title: More Illnesses Linked to Raw Milk from Oregon Farm

Source: Food Safety News

Date: May 1, 2012

Summary: The Oregon farm whose raw milk is the suspected source of an E. coli outbreak that has sickened 19 has now been associated with two more food borne illness victims.

[www.foodsafetynews.com/2012/05/more-illnesses-linked-to-raw-milk-from-or-farm/](http://www.foodsafetynews.com/2012/05/more-illnesses-linked-to-raw-milk-from-or-farm/)

Title: Law on Selling Raw Milk has some over the Moon

Source: Arkansas Online

Date: April 28, 2013

Summary: Arkansas farmers will be able to sell raw milk legally as of July 2013 after legislation allowing the sale of unpasteurized milk was signed into law by Gov. Beebe.

[www.arkansasonline.com/news/2013/apr/28/law-selling-raw-milk-has-some-over-moon-20130428/](http://www.arkansasonline.com/news/2013/apr/28/law-selling-raw-milk-has-some-over-moon-20130428/)

Title: Wisconsin Raw Milk Suspected In E. Coli Cases

Source: Dairy Herd

Date: April 25, 2013

Body Three people have been sickened with the same strain of E. coli O157:H7 in Wisconsin, and officials suspect that raw milk may be the cause.

<http://www.dairyherd.com/dairy-news/latest/Wis-raw-milk-suspected-in-E-coli-cases-204743251.html>

Title: Minnesota: 13 Sickened From Unpasteurized Cheese, 10 Hospitalized

Source: Press Release

Date: April 24, 2013

Summary: Minnesota health officials report that at least 11 people have been sickened with salmonella linked to consumption of a Mexican-style unpasteurized cheese.

[www.health.state.mn.us/news/pressrel/2013/salmonella042413.html](http://www.health.state.mn.us/news/pressrel/2013/salmonella042413.html)

Title: Legislators Debate Cow Shares

Source: Bismarck Tribune

Date: April 23, 2013

Summary: After the North Dakota House rejected a committee bill on raw milk, a legislator proposed an amendment that would legalize cow shares.

[http://m.bismarcktribune.com/news/local/govt-and-politics/a-tough-issue-cow-shares/article\\_001dbc8c-abd7-11e2-bad8-001a4bcf887a.html?mobile\\_touch=true](http://m.bismarcktribune.com/news/local/govt-and-politics/a-tough-issue-cow-shares/article_001dbc8c-abd7-11e2-bad8-001a4bcf887a.html?mobile_touch=true)

Title: Defiant Raw Milk Provider Set for Trial Next Month  
Source: The Dairy Herd Network  
Date: April 23, 2013  
Summary: The case against a Wisconsin dairy farmer who faces criminal charges related to raw milk sales will go before a jury next month. The Sauk County Circuit Court Judge has ruled his religious beliefs do not clear him of legal responsibilities.  
[www.dairyherd.com/dairy-news/latest/Raw-milk-case-continues-against-defiant-dairy-farmer-204292181.html](http://www.dairyherd.com/dairy-news/latest/Raw-milk-case-continues-against-defiant-dairy-farmer-204292181.html)

Title: Montana Senate Revives, Then Kills Bill Allowing Sale of Raw Milk  
Source: Gazette State Bureau  
Date: April 18, 2013  
Summary: A bill that would allow the sale of raw milk in Montana died a Thursday in the state Senate.  
[http://billingsgazette.com/news/state-and-regional/montana/montana-senate-revives-then-kills-bill-allowing-sale-of-raw/article\\_2561d611-ad5a-53da-88b0-9943f8f1ef28.html](http://billingsgazette.com/news/state-and-regional/montana/montana-senate-revives-then-kills-bill-allowing-sale-of-raw/article_2561d611-ad5a-53da-88b0-9943f8f1ef28.html)

Title: Arkansas Legislature: Beebe Gets Bill to Allow Raw Milk Sales  
Source: Times Record  
Date: April 10, 2013  
Summary: The Arkansas Senate passed House Bill 1536, which would allow Arkansas dairy producers to sell up to 500 gallons of raw milk a month at their facilities. The bill, which passed the House by 60-19 last week, now goes to the governor.  
<http://swtimes.com/sections/news/politics/arkansas-legislature-beebe-gets-bill-allow-raw-milk-sales.html>

Title: Arkansas House OKs Sale of Unpasteurized Milk  
Source: Associated Press  
Date: April 6, 2013  
Summary: A proposal to allow Arkansas farmers to sell unpasteurized milk has won approval from the state House.  
[www.arkansasonline.com/news/2013/apr/06/arkansas-house-oks-sale-unpasteurized-milk/](http://www.arkansasonline.com/news/2013/apr/06/arkansas-house-oks-sale-unpasteurized-milk/)

Title: Arkansas Raw Milk Bill Fails Before House Panel  
Source: Associated Press  
Date: March 15, 2013  
Summary: The Arkansas House of Representatives' agriculture committee voted against a bill that would have permitted the sale of unpasteurized goat and cow milk at the farm where it was produced.  
<http://www.kait8.com/story/21655592/arkansas-raw-milk-bill-fails-before-house-panel>

Title: Legislature to Consider Another Raw Milk Bill  
Source: Associated Press  
Date: March 13, 2013  
Summary: The Wisconsin state legislature is expected to consider another bill legalizing the sale of unpasteurized milk in Wisconsin.  
[www.nbc15.com/home/headlines/Legislature-to-Consider-Another-Raw-Milk-Bill-197771021.html](http://www.nbc15.com/home/headlines/Legislature-to-Consider-Another-Raw-Milk-Bill-197771021.html)



Title: Two Dozen now Sickened in Alaska Raw Milk Campylobacter Outbreak  
Source: Food Safety News  
Date: March 6, 2013  
Summary: The number of people sickened with Campylobacter infections linked to raw milk in Alaska has now risen from 24. The bacteria has been traced to a cow share program on the Kenai Peninsula.  
[www.foodsafetynews.com/2013/03/two-dozen-now-sickened-in-ak-raw-milk-campylobacter-outbreak/](http://www.foodsafetynews.com/2013/03/two-dozen-now-sickened-in-ak-raw-milk-campylobacter-outbreak/)

Title: RI State Senator Calls for End to Raw Milk Ban  
Source: Associated Press  
Date: February 26, 2013  
Summary: A state senator wants to make it legal to sell raw milk in Rhode Island. His proposal is scheduled for a legislative hearing Wednesday, Feb. 27.  
<http://finance.yahoo.com/news/ri-state-senator-calls-end-173254909.html>

Title: Farmer Facing Additional Charges over Raw Milk  
Source: Associated Press  
Date: February 26, 2013  
Summary: A Minnesota farmer is facing additional charges of selling raw milk in his long-running legal battle over state regulations.  
<http://www.startribune.com/local/193302771.html?refer=y>

Title: WSDA Warns Consumers to Avoid Dungeness Valley Creamery Raw Milk Products  
Source: Press Release  
Date: February 26, 2013  
Summary: The Washington State Department of Agriculture (WSDA) is warning consumers not to drink Dungeness Valley Creamery brand raw milk products due to possible E. coli contamination. No illnesses have been reported.  
<http://agr.wa.gov/News/2013/13-06.aspx>

Title: 18 Sickened in Alaska Raw Milk Outbreak  
Source: Dairy Herd Network  
Date: February 25, 2013  
Summary: Alaska health officials have updated their health advisory as more cases of Campylobacter infections linked to raw milk are confirmed. The number of confirmed cases is now 18, two people have required hospitalization.  
<http://www.dairyherd.com/dairy-news/latest/18-sickened-in-Alaska-raw-milk-outbreak-193087791.html>

Title: Raw Milk Sickens Four with Campylobacter in Alaska  
Source: Food Safety News  
Date: February 16, 2013  
Summary: A recent outbreak of Campylobacter on the Kenai Peninsula (Alaska) has been traced to the consumption of raw milk.  
<http://www.foodsafetynews.com/2013/02/alaska-raw-milk-campylobacter-outbreak-sickens-four/>

Title: Judge Refuses to Drop Raw Milk Charges Against Stearns Farmer  
Source: St. Cloud Times  
Author: Dave Schwarz  
Date: February 7, 2013  
Summary: A Stearns County, Minnesota judge has ruled that a farmer must face all six charges against him stemming from an investigation into his sales of raw milk and other foods.  
[http://www.sctimes.com/needlogin?type=login&redirecturl=http%3A%2F%2Fwww.sctimes.com%2Farticle%2F20130207%2FNEWS01%2F302070068%2FJudge-refuses-drop-raw-milk-charges-against-Stearns-farmer%3Fnclick\\_check%3D1](http://www.sctimes.com/needlogin?type=login&redirecturl=http%3A%2F%2Fwww.sctimes.com%2Farticle%2F20130207%2FNEWS01%2F302070068%2FJudge-refuses-drop-raw-milk-charges-against-Stearns-farmer%3Fnclick_check%3D1)

Title: NW Missouri on Alert for Raw Milk Causing E. coli Illnesses  
Source: Food Safety News  
Date: January 13, 2013  
Summary: The Missouri Department of Health and Senior Services has issued a public health alert regarding an E. coli outbreak that may be linked to the consumption of raw milk.  
[http://www.foodsafetynews.com/2013/01/e-coli-outbreak-developing-in-northwest-missouri-public-health-warning-issued/#.UPQj\\_KVr5gs](http://www.foodsafetynews.com/2013/01/e-coli-outbreak-developing-in-northwest-missouri-public-health-warning-issued/#.UPQj_KVr5gs)

Title: Lawyer Seeks to Dismiss 3 Charges against Freeport Farmer in Stearns Co. Raw Milk Case  
Source: Associated Press  
Date: January 2, 2013  
Summary: A producer acquitted on charges of selling raw milk in Hennepin County, MN is asking to have similar charges dismissed in Stearns County.  
[www.startribune.com/local/185454512.html?refer=y](http://www.startribune.com/local/185454512.html?refer=y)

Title: Another Delay in the Start of Wisconsin Raw Milk Trial  
Source: Food Safety News  
Date: December 27, 2012  
Summary: A Wisconsin raw milk trial that was set to begin January 7th has taken a further delay.  
<http://www.foodsafetynews.com/2012/12/another-delay-in-the-start-of-wisconsin-raw-milk-trial/#.UNyHl6Vr5gs>

Title: Nation's Largest Raw Milk Dairy Sues FDA Over Interstate Ban  
Source: Food Safety News  
Date: December 17, 2012  
Summary: Organic Pastures, the nation's largest raw milk dairy, has filed a lawsuit against the U.S. Food and Drug Administration requesting for the agency to change its current law banning sales of raw milk across state lines.  
[http://www.foodsafetynews.com/2012/12/nations-largest-raw-milk-dairy-sues-fda-over-interstate-ban/#.UM8w56wQP\\_c](http://www.foodsafetynews.com/2012/12/nations-largest-raw-milk-dairy-sues-fda-over-interstate-ban/#.UM8w56wQP_c)

Title: Raw Milk Linked to Illnesses in Pennsylvania  
Source: Food Safety News  
Date: December 10, 2012  
Summary: The Chester County Health Department in Pennsylvania has linked raw milk from Kimberton Farms Dairy to a number of recently reported illnesses. The pathogen has yet to be identified and an investigation is underway.  
[www.foodsafetynews.com/2012/12/raw-milk-is-making-people-sick-in-pennsylvania-stores-pull-it-from-shelves/#.UMdiaqVr5gs](http://www.foodsafetynews.com/2012/12/raw-milk-is-making-people-sick-in-pennsylvania-stores-pull-it-from-shelves/#.UMdiaqVr5gs)

Title: Report: Indiana Needs To Clarify Raw Milk Safety Standards  
Source: Indiana Public Media  
Date: November 30, 2012  
Summary: The Indiana Board of Animal Health advised the General Assembly to either strengthen or loosen state laws regarding the sale of raw milk. The board submitted a report that included more information on the sale of raw milk, research into current practices, laws in other states, input from an advisory panel of stakeholders, a survey of licensed dairy producers and comments from a public hearing.  
<http://indianapublicmedia.org/news/report-indiana-clarify-raw-milk-safety-standards-41009/>

Title: Western SD Dairy Resumes Selling Raw Milk  
Source: Associated Press  
Date: October 23, 2012  
Summary: A Belle Fourche dairy that was ordered to stop sales last week after bacteria was found in a sample has been given the OK to sell its unpasteurized milk again.  
[http://rapidcityjournal.com/news/state-and-regional/western-sd-dairy-resumes-selling-raw-milk/article\\_a2b78986-1939-57af-83cd-fcca145632f4.html?comment\\_form=true](http://rapidcityjournal.com/news/state-and-regional/western-sd-dairy-resumes-selling-raw-milk/article_a2b78986-1939-57af-83cd-fcca145632f4.html?comment_form=true)

Title: Harmful Bacteria Found in Raw Milk at SD Business  
Source: Associated Press  
Date: October 17, 2012  
Summary: The South Dakota Agriculture Department reports that campylobacter bacteria has been found in a sampling of unpasteurized milk from Black Hills Milk in Bell Fourche.  
<http://www.cnbc.com/id/49446312>

Title: Minnesota Farmer Fined \$585 in Raw Milk Case  
Source: Associated Press  
Date: October 16, 2012  
Summary: Under a plea deal, a Minnesota dairy farmer was fined \$585, placed on unsupervised probation, and ordered to comply with all state licensing and labeling laws within 60 days as a result of selling unpasteurized milk, and other contaminated dairy and meat products.  
[http://www.twincities.com/localnews/ci\\_21785239/minnesota-farmer-fined-585-raw-milk-case](http://www.twincities.com/localnews/ci_21785239/minnesota-farmer-fined-585-raw-milk-case)



Title: Recalled Raw Milk Sold at Nearly 150 California Locations  
Source: Food Safety News  
Date: September 10, 2012  
Summary: The California Department of Public Health has published a list of 149 retailers who purchased raw milk from Organic Pastures that was recalled last week for potential Campylobacter contamination.

[www.foodsafetynews.com/2012/09/recalled-raw-milk-sold-at-almost-150-california-locations/#.UE91BULHnZc](http://www.foodsafetynews.com/2012/09/recalled-raw-milk-sold-at-almost-150-california-locations/#.UE91BULHnZc)

Title: Third Recall Issued for Raw Milk from Kerman  
Source: Fresno Bee  
Author: Angel Moreno  
Date: September 6, 2012  
Summary: Organic Pastures, Kerman, CA, is recalling its Grade A raw whole milk, skim milk and raw cream with a code date of Sept. 13 after the California Department of Food and Agriculture found campylobacter in one of the dairy's raw cream samples. This is the third time in less than a year that products from the dairy are being recalled because of concerns over bacterial contamination.

[www.fresnobee.com/2012/09/06/2979930/third-recall-issued-for-raw-milk.html](http://www.fresnobee.com/2012/09/06/2979930/third-recall-issued-for-raw-milk.html)

Title: CDC Asks States to Consider Further Raw Milk Regulation  
Source: Food Safety News  
Author: Gretchen Goetz  
Date: July 19, 2012  
Summary: The U.S. Centers for Disease Control and Prevention is urging state lawmakers to consider further regulating raw milk sales. Currently 18 states prohibit raw milk sales entirely, 17 allow only direct sales from farms to consumers and the remaining 16 states permit off-farm sales.

<http://www.foodsafetynews.com/2012/07/cdc-asks-states-to-consider-further-raw-milk-regulation/>



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TO: Chairman Schultz and members of the Senate Financial Institutions and Rural Issues Committee

FROM: Wisconsin Public Health Association and Wisconsin Association of Local Health Departments and Boards

DATE: September 11, 2013

RE: **Please oppose Senate Bill 236** (authorizing the sale of unpasteurized milk)

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The Wisconsin Public Health Association (WPHA) and the Wisconsin Association of Local Health Departments and Boards would like to take this opportunity to urge you to **oppose Senate Bill 236**, legislation that would permit the sale of unpasteurized (raw) milk and milk products in Wisconsin.

Protecting the safety and quality of the state's food supply is a top priority for Wisconsin's public health community. It is also increasingly challenging, as the rate of food-borne illness in the United States continues to rise. Senate Bill 236 would only serve to intensify our food safety challenge.

Raw milk is known to contain human pathogens and can expose individuals to food-borne diseases capable of causing severe illness and even death. Fortunately, milk pasteurization is a simple process that can effectively kill disease-causing bacteria that proliferate in raw milk. One of the most significant public health breakthroughs of the 20<sup>th</sup> Century, pasteurization has seen widespread use in the United States since the 1920s to prevent unnecessary illness.

As you debate SB 236 and consider how the legislation would impact the health of Wisconsin citizens and the state's dairy industry, WPHA and WALHDAB would ask you take the following into account:

- **In addition to a number of recent outbreaks in Wisconsin and across the country, the CDC reports that between 1993 and 2006, there were 1600 illnesses, 202 hospitalizations and 2 deaths associated with unpasteurized dairy products.**
- **According to the CDC, unpasteurized milk is 150 times more likely to cause illness and results in 13 times more hospitalizations.**
- **Raw milk accounts for approximately 1% of all milk sales in the United States, while it is responsible for roughly 99% of all milk related outbreaks.**
- **Even under ideal hygienic conditions for the collection and packaging of raw milk, the probability of contamination is high.**
- **States with raw milk sales have nearly three times as many illness outbreaks from unpasteurized dairy products than those that do not allow sales.**
- **The cost of an illness outbreak from raw milk can include medical bills as high as \$1 million.**
- **Public health staff can spend more than 250 hours (on average) investigating an illness outbreak related to raw milk.**

Simply put, raw milk poses an inherently elevated risk of disease outbreak and illness due to the variety of pathogens that it can contain. At the same time, it presents no nutritional advantage – or any scientifically proven protective health properties – over pasteurized milk.

Again, the Wisconsin Public Health Association and the Wisconsin Association of Local Health Departments and Boards would ask you to preserve public health and oppose Senate Bill 236.







## WISCONSIN SAFE MILK COALITION

**TO: Senate Committee on Financial Institutions and Rural Issues**

**FR: Wisconsin Safe Milk Coalition**

**DT: September 11, 2013**

**RE: Statement Opposing SB 236**

On behalf of the state's well-respected medical community and several thousand Wisconsin residents involved in the state's \$26.5 billion dairy industry, we urge you to oppose SB 236 and its Assembly companion AB 287, which is legislation that permits the sale of unpasteurized (raw) milk in Wisconsin.

**The reason for our strong opposition to any possible legislation because unpasteurized (raw) milk is unsafe for human consumption.**

Nearly 120 raw milk health outbreaks have occurred in the United States since 1998 according to the *Real Raw Milk Facts* working group who gathered the facts from the Center for Disease Control's FOOD database and news reports from across the United States. Of the nearly 120 total outbreaks, the overwhelming majority (86) of them came from fluid milk, which resulted in 2,147 illnesses and sadly, two deaths.

An editorial this spring appeared in the *Milwaukee Journal Sentinel* entitled "Another CDC Study Shows Potential Peril of Raw Milk" suggests that the legislature reject raw milk legislation for the "sake of the state's dairy industry and the health of its citizens."

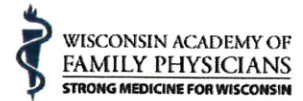
**We strongly urge that you carefully consider the impacts to public health before supporting any legislation that allows for the sale of raw milk in Wisconsin.**

For more information, please call Wisconsin Safe Milk Coalition contact Shawn Pfaff at 608-258-8411 or at [shawn.pfaff@capitolconsultants.net](mailto:shawn.pfaff@capitolconsultants.net).

*The Wisconsin Safe Milk Coalition is a broad coalition of medical professional and dairy producers and related-partners from across Wisconsin who have formed to keep Wisconsin's milk consumption safe for consumers and families.*

American Academy of Pediatrics  
DEDICATED TO THE HEALTH OF ALL CHILDREN™

Wisconsin Chapter





September 11, 2013

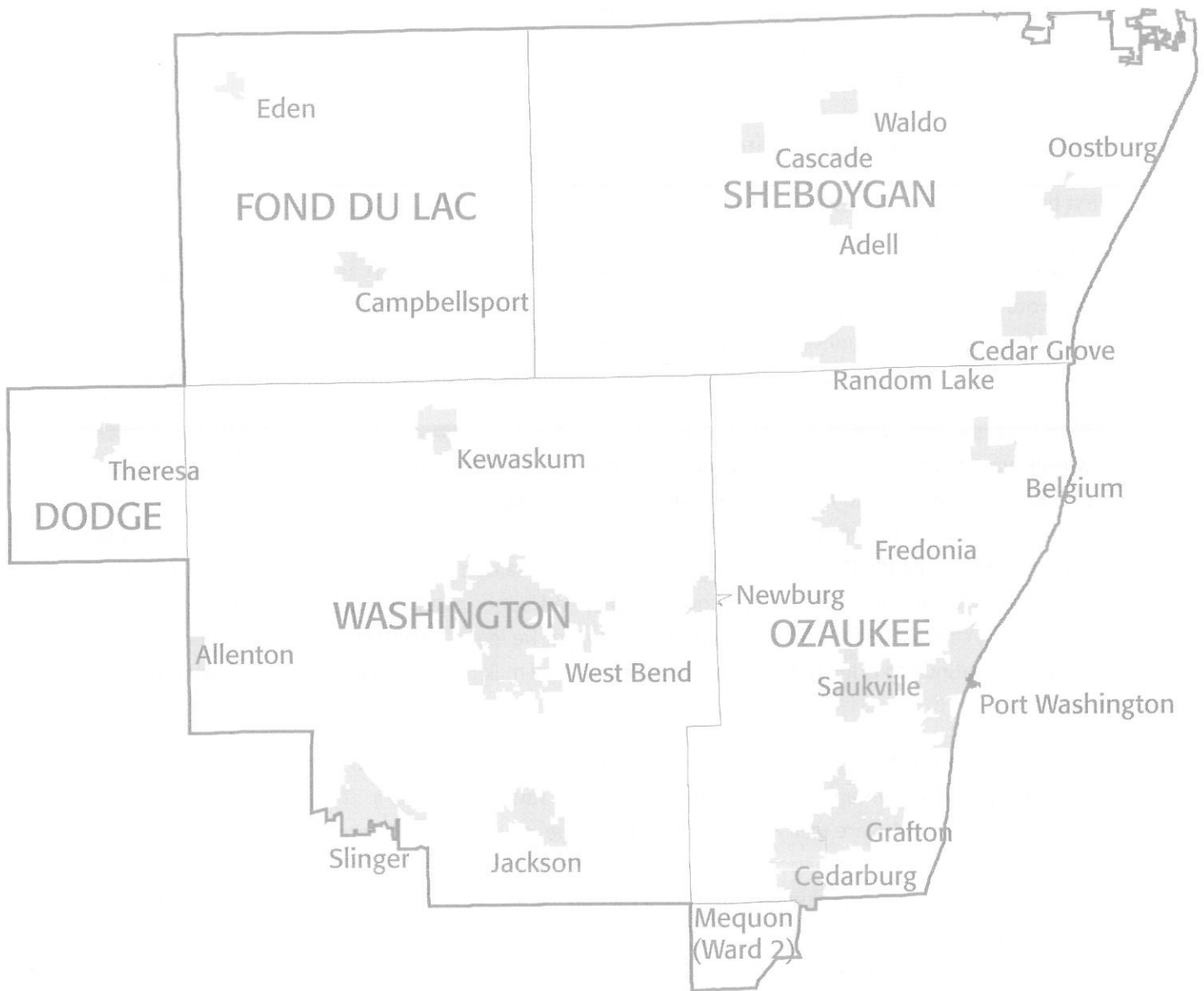
To: Members of the Senate Committee on Financial Institutions and Rural Issues  
From: Senator Glenn Grothman  
Re: Senate Bill 236

Thank you for the opportunity to testify in support of Raw Milk.

I first became involved with raw milk in 2009 when a raw milk operation in my area was shut down. I received numerous complaints from consumers and constituents wondering why they could no longer get their milk. In response, a 2009 bill passed the Assembly on a vote of 60-35 and passed the Senate with a vote of 25-8. My hope is that once again, the majority of our state's legislature will support the will of Wisconsin citizens and vote to legalize raw milk sales from farmer to consumer. Folks in Wisconsin should be given the ability to choose the foods they consume including the choice between pasteurized and unpasteurized milk.

Raw Milk was, of course, consumed throughout most of our state's history until sales were banned in the 1950's. However, farm families continue to consume raw milk on their own farms as well as giving it to their employees and visitors. For a short time around 1990, the Department of Agriculture, Trade and Consumer Protection (DATCP) actually encouraged the sales of raw milk in what was known as cow shares – a method by which consumers could purchase a fraction of a cow and get raw milk that way. Subsequently, the DATCP felt this option should no longer be legal. Nevertheless, farm families themselves continue to drink raw milk and occasionally sell milk to consumers under an incidental sale exception.

Since I have become identified with the Raw Milk cause, countless people have approached me to tell me how they have grown up on raw milk or are currently raw milk drinkers. These are educated, professional people who are well-read and health conscious and are looking to consume foods that they have decided will positively impact their lives. Nutritionists, chiropractors and other health professionals are prescribing raw milk to their patients. I always ask people who prescribe raw milk or farmers how sell raw milk if there are aware of anyone who's gotten sick, and they always answer in the negative. A lot of people report raw milk cured allergies, stomach disorders, reduced signs of autism, helped diabetes, reduced obesity, and had other health benefits. It also is good for normally lactose intolerant people. For the first time in my life, there is a growing segment of society which views raw milk as a food for upscale, health-conscious people and it is very unfortunate that the dairy industry of all groups is trying to kill off this new market. America is a free nation and your average person should be free to experience the benefits of raw milk just as farmers and current consumers already do.





SB 236 bill provides consumers with the opportunity to purchase fresh raw milk from local Wisconsin farmers provided farmers meet the following standards for safe production:

- The milk must be placed in a clean container
- The milk must be labeled with the name of the producer and state the milk is unpasteurized
- The dairy farmer must post a sign stating "Raw milk products sold here. Raw milk products are not pasteurized"
- The milk must comply with DATCP standards for Grade A milk.
- The water supply must comply with DATCP standards for dairy operations

Thirty states currently allow for the sale of raw milk in some form, including our neighbors in Minnesota and Illinois. This April, Arkansas was the most recent state to legalize the sale of raw milk from farm to consumer joining a growing list of states that have done the same. California, the nation's leading dairy producer, allows for the sale of raw milk and raw cheese and has experienced no adverse effects to their dairy industry as a whole and, in fact, has expanded their industry to a new clientele.

I think it is much more obvious that raw milk sales should be legal than it was even in two sessions ago. First, states with raw milk sales have continued to see their dairy business thrive. Almost four more years have gone by and California continues to sell raw milk in their food stores. Anecdotal evidence from healthcare professionals in this state indicates a growing interest in raw milk. A study presented before the CDC and published in the Journal of Food Protection exposes misconceptions behind attacks on raw milk. Finally, opponents of this bill have tried to claim that if someone gets sick from raw milk it will hurt Wisconsin dairy industry. I always felt this was a preposterous argument even in 2010. However, recently we had a tragedy in which two people died eating pasteurized cheese from a well-known Wisconsin operation. If the opponents of this bill were right, we would have seen a devastating reduction in sales of Wisconsin cheese. My own brief survey of local cheese factories indicates are incredibly busy and consumers correctly discounted this tragedy as an aberration. I would hope the opponents of this bill would no longer resort to this scare-mongering.

Fluid milk consumption has been falling slowly nationwide and specifically in Wisconsin. I'm shocked that the dairy industry would not embrace this growing market and consumer excitement over a product that will bolster our state's signature business. This niche market within the dairy industry will also provide another avenue for Wisconsin farmers to generate new revenues that will help keep "the small family farm" thriving.

Please strike a blow for freedom and allow Wisconsin's citizens the choice to drink and purchase raw milk directly from Wisconsin's family farms.







# Wisconsin Medical Society

Your Doctor. Your Health.

TO: Senate Committee on Financial Institutions and Rural Issues  
Senator Dale Schultz, Chair

FROM: Mark Grapentine, JD  
Senior Vice President - Government Relations

DATE: September 11, 2013

RE: Opposition to 2013 Senate Bill 236

On behalf of more than 12,000 members statewide, thank you for this opportunity to express the Wisconsin Medical Society's opposition to 2013 Senate Bill 236, which loosens safety standards for the sale of unpasteurized milk products.

The Society has policy specific to this issue, created during the last major effort to remove public safety statutes to allow for sales of raw milk:

**PUB-027**

**Raw Milk:** The Wisconsin Medical Society opposes any legislation to allow sale of any dairy products made of unpasteurized milk to the public in Wisconsin. (HOD, 0410)

This policy was created based on decades of data showing the dangers of consuming raw milk and raw milk products and the public health miracle called pasteurization that dramatically improved dairy safety across the country. The Society sees no reason why the public's health should be put at greater risk by removing current safety standards.

We have included three attachments to this cover memo providing more information about why removing food safety standards will increase danger to the public:

- A Legislative Reference Bureau summary of the Raw Milk Sales issue, published in April 2010.
- A Centers for Disease Control and Prevention (CDC) study reviewing dairy-associated disease outbreaks from 1993-2006.
- A consumer-friendly U.S. Food and Drug Administration (FDA) flyer describing the serious health risks associated with consuming raw milk.

The LRB publication provides ample facts and data to explain how Wisconsin law on unsafe milk evolved to the current protections; the laws were passed following a spate of sicknesses in the 1920s and 1930s. "As a result of urbanization," the LRB summary states, "many city residents, especially children, increasingly became sick and died after consuming contaminated milk." The new safety regulations had dramatic results: "In 1938, milkborne outbreaks constituted 25 percent of all disease outbreaks due to infected foods and contaminated water; as of 2002, that figure was down to less than 1 percent."



The CDC study reveals that states where the sale of raw milk was legal had more than twice the rate of outbreaks as states with better consumer safety protections:

Our analysis shows that legal intrastate sale of nonpasteurized dairy products is associated with a higher risk for dairy-related outbreaks and implies that restricting sale of nonpasteurized dairy products reduces the risk for dairy-related outbreaks within that state. Pasteurization is the most reliable and feasible way to render dairy products safe for consumption.

*(Nonpasteurized Dairy Products, Disease Outbreaks – p. 390)*

Interestingly, the CDC study addresses one of the elements included in Senate Bill 236 ostensibly to protect the public following removal of current safety statutes: requiring certain labeling of the raw milk products.

Although warning labels and signs or government-issued permits are prudent where the sale of nonpasteurized dairy products is legal, **they have not been shown to be effective and, given the results of this analysis, do not seem to reduce the incidence of outbreaks involving nonpasteurized dairy products to the degree that pasteurization does.**

*(Id., emphasis supplied, endnote removed)*

The study concludes with strong recommendations, which the Wisconsin Medical Society supports:

State officials should consider further restricting or prohibiting the sale or distribution of nonpasteurized dairy products within their states. Federal and state regulators should continue to enforce existing regulations to prevent distribution of nonpasteurized dairy products to consumers. **Consumption of nonpasteurized dairy products cannot be considered safe under any circumstances.**

*(Id., emphasis supplied)*

The science is clear, as are the results when laws protect consumers. For these reasons we ask that you oppose Senate Bill 236.

*Note:* The attachments to this memo are available online:

- LRB report: <http://legis.wisconsin.gov/lrb/pubs/wb/10wb1.pdf>
- CDC report: <http://wwwnc.cdc.gov/eid/article/18/3/pdfs/11-1370.pdf>
- FDA flyer: <http://www.fda.gov/downloads/Food/FoodborneIllnessContaminants/UCM239493.pdf>





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# Wisconsin Briefs

*from the Legislative Reference Bureau*

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Brief 10-1

April 2010

## RAW MILK SALES

The sale of unpasteurized, or raw milk, to consumers has become an increasingly contentious issue in Wisconsin and other states. Currently, the Food and Drug Administration (FDA) bans the sale of raw milk packaged for consumer use across state lines (interstate commerce). Each state, however, regulates the sale of raw milk within the state (intrastate), and approximately half of the states in the U.S. allow it to be sold. In some states where the sale of raw milk for human consumption is legal, it may be sold in stores. In other states, raw milk may only be sold to consumers directly from the farm.

In Wisconsin, the intrastate sale of raw milk is prohibited, but there is an exemption for the "incidental sale" of raw milk directly to a consumer at the dairy farm where the milk is produced. The interpretation of this exemption pits consumers and advocates of raw milk and the farmers that produce it against its skeptics, including public health officials, food safety specialists, and some agricultural organizations like the Wisconsin Farm Bureau. The Department of Agriculture, Trade and Consumer Protection (DATCP), in consultation with the Department of Health Services (DHS), issue rules governing the production and sale of milk.

During the 2009-2010 legislative session, Assembly Bill 628 and Senate Bill 434 were introduced to allow farmers to sell raw milk directly to consumers, with regulations. This brief provides background information on raw milk and pasteurization and a summary of current law and legislation in Wisconsin.

### BACKGROUND

Raw milk is milk taken directly from animals (cows, sheep, and goats) and then

rapidly cooled to around 36-38 degrees Fahrenheit and bottled. The only processing that occurs with raw milk is filtration and cooling. Pasteurized milk undergoes a heating process designed to destroy harmful bacteria and enzyme activity. Along with sterility, the pasteurized product also has a much longer shelf life.

### History of Milk Pasteurization

In the mid-1800s, Louis Pasteur pioneered the concept of heating liquids to kill natural pathogens. Pasteurization destroys most disease producing organisms and limits fermentation in milk, beer, and other liquids by partial or complete sterilization.

At the turn of the 20th century, the process of pasteurizing milk was still in its infancy. Around this time, the safety of the milk supply became a public health concern when milk was transported farther and stored at higher temperatures than in the past because more people were moving from rural areas into cities. As a result of urbanization, many city residents, especially children, increasingly became sick and died after consuming contaminated milk.

By 1920, milk regulations had reached every part of the country, with regulations beginning to appear in state statutes. By 1939, the U.S. Public Health Service had drafted the Model Milk Health Ordinance, a model milk sanitation program that called for vigilance at every stage of production, processing, pasteurization, and distribution of milk and milk products. The first opponents of pasteurization were milk producers and sellers that attacked the new regulations as unconstitutional and unwarranted governmental limitations on their rights to



produce and sell their products. In response, local and state authorities relied on their duty and authority to enforce the regulations. With growing evidence of the potential danger of raw milk, most courts found the regulations to be valid.

The regulation of raw milk sales in the first half of the 20th century proved to be a major public health success in the United States as the incidence of milkborne illness was sharply reduced. In 1938, milkborne outbreaks constituted 25 percent of all disease outbreaks due to infected foods and contaminated water; as of 2002, that figure was down to less than 1 percent.

Milk pasteurization first made its appearance in Wisconsin law in 1949 when the legislature passed Chapter 517, Laws of 1949, requiring milk dealers to have a license and to sell only pasteurized milk. In 1955, Chapter 580 added very specific provisions to the milk pasteurization process and required all milk and fluid milk products sold for consumption in fluid form to be produced, processed, and distributed in accordance with definitions and standards for grade A milk as set forth in the milk ordinance and code. With this, the sale of raw milk became illegal.

### **Raw vs. Pasteurized Milk Debate**

The raw milk debate places the alleged benefits of consuming raw milk against the public health threat of harmful pathogens.

Proponents of raw milk include consumers of raw milk, some farmers, and nonprofit organizations like the Weston A. Price Foundation and the Farm-to-Consumer Legal Defense Fund (FCLDF) that support sustainable family farms, on-farm processing, consumer choice, and direct-to-consumer distribution. Supporters believe that raw milk has health benefits that are destroyed in the pasteurization process, arguing that pasteurization: 1) changes the content of nutrients; 2) destroys enzymes and hormones; and 3) destroys healthy bacteria. Proponents

maintain that unpasteurized milk raises one's metabolism, boosts muscle growth, strengthens the immune system, and eases ailments, including lactose intolerance, digestive problems, and allergies.

In addition to raw milk's proclaimed health benefits, the issue of consumer rights has been brought to the forefront of the debate. Proponents believe that consumers who buy raw milk are purposely looking for it and that it is a consumer's right and responsibility to educate themselves and decide whether it is worth their risk to consume the product. At a time when dairy farmers in the state are struggling and milk prices are low, supporters also see raw milk as an important niche market for struggling dairy farmers.

Critics of raw milk include regulatory agencies that monitor public health and food safety, part of the medical and scientific community, and some agricultural organizations. They argue that raw milk may harbor a host of disease-causing pathogens, including campylobacter, listeria, salmonella, and E. coli. Common symptoms of foodborne illness include diarrhea, stomach cramps, fever, headache, vomiting, and exhaustion. While most people recover from foodborne illness within a short period of time, others may have symptoms that are chronic, severe, or life-threatening. Children, the elderly, and those with compromised immune systems are most at risk for severe infections.

The health claims of raw milk are also dismissed by some critics, countering the three arguments that are often made by raw milk proponents. First, critics argue that pasteurization does not significantly change the nutrient content of milk. Since Vitamin D is generally added to milk as it is pasteurized, some food scientists contend that our bodies actually gain more benefit from pasteurized milk since the calcium is more readily absorbed. Second, critics maintain that the enzymes and hormones in raw milk are rapidly broken down by the digestive system,

making it impossible for people to receive any benefit to their immune systems. Third, opponents of raw milk argue that while pasteurization does destroy some bacteria which may be healthful, the public health benefit gained by destruction of harmful bacteria outweighs any disadvantage.

Raw milk advocates argue that with significant improvements in standards and inspections, raw milk would be produced hygienically if sales were made legal. Opponents, however, believe that it is not possible to ensure that raw milk is safe and that if an outbreak does occur, the reputation of the state's dairy industry is at stake.

Both supporters and opponents claim that scientific evidence supports their respective positions. Raw milk proponents argue that pasteurization is not a panacea, claiming that none of the reports frequently cited by regulatory agencies like the FDA generate any statistical evidence proving that pasteurization would have prevented the outbreak and associating raw milk with outbreaks may also be greatly exaggerated. Opponents of raw milk argue that science has not shown a connection between drinking raw milk and disease prevention, nor the alleged harm of pasteurization.

#### **CURRENT WISCONSIN LAW**

The Wisconsin Statutes generally prohibit the sale of unpasteurized milk to the public:

No person may sell or distribute any milk or fluid milk products which are not grade A milk or grade A milk products to consumers, or to any restaurant, institution or retailer for consumption or resale to consumers. Grade A milk and grade A milk products shall be effectively pasteurized. (Section 97.24 (2) (b), Wisconsin Statutes)

The law does not prohibit a dairy farmer from consuming the raw milk that he or she produces. In addition, the statute contains an exception that allows "incidental sales" of raw milk directly to a consumer at the dairy farm

where the milk is produced, for consumption by that consumer (Section 97.24 (2) (d)2., Wisconsin Statutes). DATCP has broad power under state law to regulate dairy farms, as outlined in Section 97.24 (3), Wisconsin Statutes.

#### **Interpretation of Exemptions**

In states where dairy regulations forbid consumers to purchase raw milk in stores or directly from farmers, consumers are entering into "cow share agreements" with farmers. In these agreements, consumers buy an ownership interest in the cow. They pay the farmer a fee for boarding their cow, caring for the cow, and milking the cow. The cow share owner then obtains the milk from the cow. In Wisconsin, a case came before an administrative law judge concerning the legality of cow share agreements in 2002.

The judge pointed out that from 1959 to 1994 DATCP's rules included an interpretation of the statutory exemption from the prohibition on the sale and distribution of raw milk to consumers. The rule basically stated that sales made in the regular course of business or preceded by any advertising to the public were not permitted. The rule allowed sales of raw milk to employees and "persons shipping milk to the dairy plant." The judge also referred to a DATCP policy guideline, issued in 1985, which states that repeat or regular sales to a member of the public do not qualify as "incidental" sales. The guideline provides that regular, on-farm sales to employees do qualify for the exemption.

The decision in the case held that sales under the cow share agreements were illegal. However, the judge indicated that DATCP's interpretation of the statute allowed the distribution of raw milk to individuals who are shareholders or partners in the entity holding the dairy farm license, if that entity is a corporation or partnership. The opinion stated that DATCP recognizes an exception to the prohibition on distribution of raw milk for persons willing to take on the responsibilities

of owning a milk producer license. In 2004, another administrative opinion was issued clarifying the opinion in the 2002 case. The later opinion stated that investments in entities holding milk producers licenses may not be solely for the purpose of purchasing unpasteurized milk.

In February 2008, a new DATCP rule on the sale and distribution of raw milk went into effect (Section ATCP 60.235, Wisconsin Administrative Code). It permits the distribution of raw milk to an individual who has a "bona fide ownership interest" in the entity that owns a dairy farm if the ownership entity is not an individual or married couple. The rule reiterates the department's position that "a sale is not incidental if it is made in the regular course of business" or is preceded by advertising to the general public. The rule allows the sale or distribution of unpasteurized milk to the employees of the dairy farm, but does not (as the former rules had) mention persons shipping milk to a dairy plant.

In 2009, the Division of Food Safety at DATCP sent "request for interrogatories" to dairy farms it suspected of selling raw milk in the regular course of business. The letters were met with backlash from the raw milk community. In a press release, Representative Chris Danou criticized the department's actions as "over the top" in enforcing an ambiguous raw milk policy.

#### **RAW MILK LEGISLATION**

The legislature addressed the issue of raw milk with the introduction of Assembly Bill 628 and Senate Bill 434 during the 2009-2010 legislative session. AB-628 was introduced on December 18, 2009, by Representatives Danou and Steve Hilgenberg. SB-434 was introduced on December 21, 2009, by Senators Pat Kreitlow and Glenn Grothman. The companion bills would authorize a dairy farmer with a grade A dairy farm permit to sell unpasteurized milk, buttermilk, butter, and cream directly to consumers on the farm if the

dairy farmer obtains a raw milk permit from DATCP, the container is prepared and filled in a sanitary manner, and the dairy farmer displays a sign indicating that raw milk does not provide the protection of sterilization. If these conditions are met, dairy farmers are immune from civil liability for the death of or injury to an individual caused by the product.

In January 2010, DATCP Secretary Rod Nilsestuen appointed 22 members representing a wide array of stakeholders and experts in Wisconsin's dairy industry to a Raw Milk Policy Working Group. The purpose of the group is to consider whether there are legal, regulatory means that might allow dairy farmers to sell unpasteurized fluid raw milk directly to consumers, and, if so, what conditions would be necessary to protect public health. The group met for the first time on March 15, 2010.

On March 10, 2010, a public hearing was conducted by the Senate Agriculture and Higher Education Committee and the Assembly Rural Economic Development Committee. The 10-hour public hearing drew a large number of participants to the Chippewa Valley Technical College in Eau Claire.

On March 17, 2010, 10 legislators asked for a Legislative Council study on issues related to the sale of raw milk. The study committee would report to the 2011 Legislature. On the same day, the Senate Agriculture and Higher Education Committee voted 5 to 0 for a substitute amendment to Senate Bill 434 that would serve as an "interim solution" until the Legislative Council and DATCP's advisory board determine policy recommendations. The Assembly Rural Economic Development Committee passed, 8 to 1, a similar substitute amendment for Assembly Bill 628 on March 30, 2010.

The amended versions of the two bills includes the following provisions:

- Authorizes a dairy farmer with a grade A dairy permit to sell raw milk if he or she registers with DATCP.
- The authorization to sell raw milk for human consumption ends on December 31, 2011.
- Sales can only take place at farms where the milk is produced.
- Farmers are prohibited from advertising the availability of raw milk, except for an on-farm sign.
- A sign must be displayed where the milk is sold with information about raw milk, specifically that it does not provide the benefits of pasteurization, may contain disease-causing pathogens, and is not recommended for certain people. This information must also be on the containers.
- Farmers are **not** immune from civil liability as outlined in the original bill.
- Farmers must keep daily samples of the milk for a period of time, maintain records of each sale, and have the milk tested for certain pathogens at DATCP-certified labs.

- License to sell raw milk could be suspended if pathogens are detected in two of four consecutive monthly samples.

The final floorperiod for the 2009-2010 legislative session begins on April 13, 2010, three days after the Second Annual Raw Milk Symposium which will be held in Madison. Both bills are expected to be taken up at this time.

#### FOR MORE INFORMATION

For the text and legislative history of Senate Bill 434 and Assembly Bill 628, access the Wisconsin State Legislature Web site at: [www.legis.state.wi.us](http://www.legis.state.wi.us) and use the legislative proposal search tool. Links to a Legislative Council amendment memo and fiscal estimates are also provided.

For more information on the administrative law decisions related to the sale of raw milk, access DATCP's Web site at: [www.datcp.state.wi.us/case\\_decisions/food/prohibiting\\_sale.jsp](http://www.datcp.state.wi.us/case_decisions/food/prohibiting_sale.jsp).





# Nonpasteurized Dairy Products, Disease Outbreaks, and State Laws—United States, 1993–2006

Adam J. Langer, Tracy Ayers, Julian Grass, Michael Lynch, Frederick J. Angulo, and Barbara E. Mahon

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### Learning Objectives

Upon completion of this activity, participants will be able to:

- Evaluate the epidemiology of foodborne illness related to the consumption of dairy products
- Analyze the clinical presentation and outcomes of foodborne disease related to the consumption of dairy products
- Distinguish the organism most commonly associated with foodborne illness after consumption of unpasteurized dairy products
- Assess sources of contamination of pasteurized dairy products

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Although pasteurization eliminates pathogens and consumption of nonpasteurized dairy products is uncommon, dairy-associated disease outbreaks continue to occur. To determine the association of outbreaks caused by nonpasteurized dairy products with state laws regarding sale of these products, we reviewed dairy-associated outbreaks during 1993–2006. We found 121 outbreaks for which the product's pasteurization status was known;

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DOI: <http://dx.doi.org/10.3201/eid1803.111370>

among these, 73 (60%) involved nonpasteurized products and resulted in 1,571 cases, 202 hospitalizations, and 2 deaths. A total of 55 (75%) outbreaks occurred in 21 states that permitted sale of nonpasteurized products; incidence of nonpasteurized product-associated outbreaks was higher in these states. Nonpasteurized products caused a disproportionate number ( $\approx 150\times$  greater/unit of product consumed) of outbreaks and outbreak-associated illnesses and also disproportionately affected persons <20 years of age. States that restricted sale of nonpasteurized products had fewer outbreaks and illnesses; stronger restrictions and enforcement should be considered.

In the United States, milk and other dairy products are dietary staples; the 2010 Dietary Guidelines for Americans recommend that most Americans include dairy products in their diet (1). However, numerous pathogens can contaminate dairy products and cause illness and death. Milkborne infections were relatively common before the advent of pasteurization in the late 19th century (2), and in the United States today, illness related to consumption of nonpasteurized dairy products remains a public health problem.

In 1948, Michigan enacted the first statewide requirement that dairy products be pasteurized, and many other states soon did the same (2). In 1987, the United States Food and Drug Administration prohibited distribution of nonpasteurized dairy products in interstate commerce for sale to consumers (3). However, sale of nonpasteurized dairy products within the state where they are produced is regulated by each state, and some states permit sale of these products. Despite the federal ban on the sale of nonpasteurized products in interstate commerce, the broad use of pasteurization by the dairy industry, and the infrequency with which nonpasteurized dairy products are consumed, illnesses and outbreaks associated with consumption of these products continue to occur (4–23).

State and local health departments report foodborne disease outbreaks to the Centers for Disease Control and Prevention (CDC) through the Foodborne Disease Outbreak Surveillance System. As a result of efforts to enhance outbreak surveillance starting in 1998, the total number of outbreak reports increased substantially (24). A recent comprehensive analysis of foodborne disease outbreaks associated with dairy products (dairy-associated outbreaks) reported to CDC reviewed outbreaks that occurred during 1973–1992 (4). We reviewed subsequent dairy-associated outbreaks, reported in the United States during 1993–2006. We characterized the outbreaks and examined their association with state laws regarding sale of nonpasteurized dairy products.

## Methods

To compare the incidence of foodborne outbreaks involving nonpasteurized dairy products among states with differing laws with regard to the sale of these products (i.e., states that permitted their sale vs. states that prohibited their sale), we reviewed reports of foodborne disease outbreaks involving dairy products reported to CDC during 1993–2006. These reports, completed by state and local health departments, typically included the number of cases associated with the outbreak; the age and sex distribution of outbreak-associated case-patients; the number of hospitalizations and deaths; the etiologic agent associated with the outbreak; the type of dairy product implicated (e.g., fluid milk, cheese); and whether the implicated dairy

product was marketed, labeled, or otherwise presented to the consumer as pasteurized or nonpasteurized. Hereafter, we refer to these products as pasteurized or nonpasteurized. Thus, any outbreak involving a dairy product that was contaminated after pasteurization or that was intended to be pasteurized but underwent inadequate pasteurization was classified as involving pasteurized product. When possible, we corrected missing or incomplete data by asking the health department that conducted the investigation for more information.

To determine whether the sale of nonpasteurized dairy products was legal at the time of each outbreak, we contacted the 50 state departments of health and agriculture and requested data on whether the state permitted the sale of nonpasteurized dairy products produced in that state for each year from 1993 through 2006. We defined an illegal state-year as a year in which a state prohibited the sale of all nonpasteurized products, and we defined a legal state-year as a year in which a state permitted the sale of nonpasteurized dairy products produced in that state. Data on the estimated population, by state, for each year were obtained from the US Census Bureau. To compare the incidence of outbreak and outbreak-associated cases during illegal state-years to that during legal state-years, we stratified the outbreaks by legal status of the state in which the outbreak occurred at the time of the outbreak and calculated incidence density ratios for reported outbreaks (Poisson model) and for outbreak-associated cases (zero-inflated negative binomial model).

## Results

During 1993–2006, a total of 30 states reported 122 foodborne disease outbreaks caused by contaminated dairy products. Dairy-associated outbreaks occurred in all years except 1996, and outbreaks involving nonpasteurized dairy products occurred in all years except 1994 and 1996. The number of reported dairy-associated outbreaks increased in 1998 after surveillance for foodborne disease outbreaks was enhanced (Figure 1).

Whether the product was pasteurized or nonpasteurized was known for 121 of the 122 outbreaks, and most outbreaks (73 [60%]) involved nonpasteurized dairy products. Of the 121 outbreaks for which product pasteurization status was known, 65 (54%) involved cheese and 56 (46%) involved fluid milk. Of the 65 outbreaks involving cheese, 27 (42%) involved cheese made from nonpasteurized milk. Of the 56 outbreaks involving fluid milk, an even higher percentage (82%) involved nonpasteurized milk.

The 121 outbreaks involving dairy products for which pasteurization status was known resulted in 4,413 reported illnesses. Among these illnesses, 1,571 (36%) resulted from nonpasteurized dairy products. The median number of persons reported ill during outbreaks involving

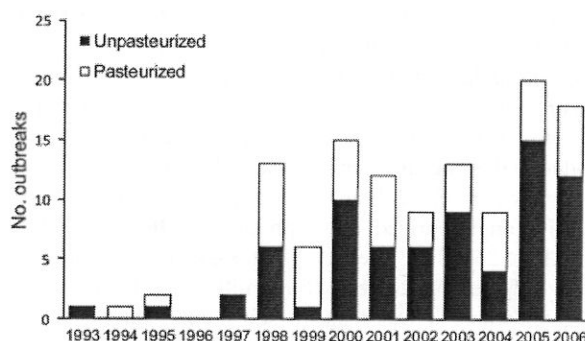


Figure 1. Number of dairy product-associated outbreaks, by year and pasteurization status of product, United States, 1993–2006.

nonpasteurized dairy products was 11 (range 2–202). Outbreaks involving nonpasteurized dairy products resulted in 202 hospitalizations (hospitalization rate 13%). In contrast, outbreaks involving pasteurized dairy products resulted in 37 hospitalizations (hospitalization rate 1%). Two deaths were associated with an outbreak caused by consuming nonpasteurized dairy products, and 1 death was associated with an outbreak caused by a pasteurized product (Table).

Ill persons in outbreaks involving nonpasteurized dairy products were generally younger than those in outbreaks involving pasteurized dairy products. For the 60 outbreaks involving nonpasteurized dairy products for which age of patients was known, 60% of patients were <20 years of age; for the 37 outbreaks involving pasteurized dairy products for which age of patients was known, 23% of patients were <20 years of age ( $p < 0.001$ ).

The causative agent was identified for all 73 outbreaks involving nonpasteurized dairy products; all were caused by bacteria. One outbreak was caused by *Campylobacter* spp. and Shiga toxin-producing *Escherichia coli*. Among the remaining 72 outbreaks, 39 (54%) were caused by *Campylobacter* spp., 16 (22%) by *Salmonella* spp., 9 (13%) by Shiga toxin-producing *E. coli*, 3 (4%) by *Brucella* spp., 3 (4%) by *Listeria* spp., and 2 (3%) by *Shigella* spp. Among the 30 outbreaks involving pasteurized dairy products for

which the causative agent was reported, 13 (44%) were caused by norovirus, 6 (20%) by *Salmonella* spp., 4 (13%) by *Campylobacter* spp., 3 (10%) by *Staphylococcus aureus*, and 1 (3%) each by *Clostridium perfringens*, *Bacillus cereus*, *Listeria* spp., and *Shigella* spp.

A total of 48 reported outbreaks involved pasteurized dairy products. The source of contamination was reported for 7 (14%) of these outbreaks, of which at least 4 (57%) probably resulted from post-pasteurization contamination by an infected food handler. Failure of the consumer to store the dairy product at an appropriate temperature probably contributed to 3 other outbreaks. Such temperature abuse can enable pathogens (present because they either survived pasteurization in low numbers or were introduced after pasteurization) to multiply to concentrations capable of causing illness.

During the study period, 43 (86%) states did not change their legal status regarding the sale of nonpasteurized dairy products produced in that state. Among these 43 states, selling nonpasteurized dairy products produced in that state was legal in 21 (49%). Of the 7 states that changed their legal status, 3 changed from legal to illegal (Mississippi in 2005, Ohio in 2003, and Wisconsin in 2005), 3 changed from illegal to legal (Arkansas in 2005, Illinois in 2005, and Nevada in 2005), and 1 (Oregon) changed from legal to illegal in 1999 and then back to legal in 2005 (Figure 2).

Among the 700 state-years (14 years  $\times$  50 states) included in our analysis of the association of legal sales status and nonpasteurized dairy-associated outbreaks, sale of nonpasteurized dairy products produced in the state was legal for 342 state-years and illegal for 358 state-years. We excluded from analysis 2 outbreaks caused by nonpasteurized dairy products because each occurred in multiple states with differing laws. Of the 71 remaining outbreaks involving nonpasteurized dairy products, 55 (77%) occurred in states where sale of nonpasteurized dairy products produced in that state was legal. Among these 71 outbreaks involving nonpasteurized dairy products, 1,526 persons became ill and 1,112 (73%) of these illnesses occurred in states where it was legal to sell nonpasteurized dairy products. Also among these 71 outbreaks involving nonpasteurized dairy products, 15 occurred in states where sale of nonpasteurized dairy

Table. Characteristics of disease outbreaks after consumption of dairy products, United States, 1993–2006

Product	Outbreak characteristic, no.			
	Total	Associated illnesses	Associated hospitalizations	Associated deaths
Nonpasteurized				
Fluid milk	46	930	71	0
Cheese	27	641	131	2
Total	73	1,571	202	2
Pasteurized				
Fluid milk	10	2,098	20	0
Cheese	38	744	17	1
Total	48	2,842	37	1
All dairy	121	4,413	239	3



products was illegal. The source of the nonpasteurized dairy products was reported for 9 of these outbreaks: 7 (78%) were associated with nonpasteurized dairy products obtained directly from the producing dairy farm, 1 was associated with nonpasteurized dairy products obtained under a communal program to purchase shares in dairy cows (i.e., cow shares, a scheme used to circumvent state restrictions on commercial sales of nonpasteurized dairy products) (11), and 1 was limited to members of a large extended family who consumed nonpasteurized milk from their own cow.

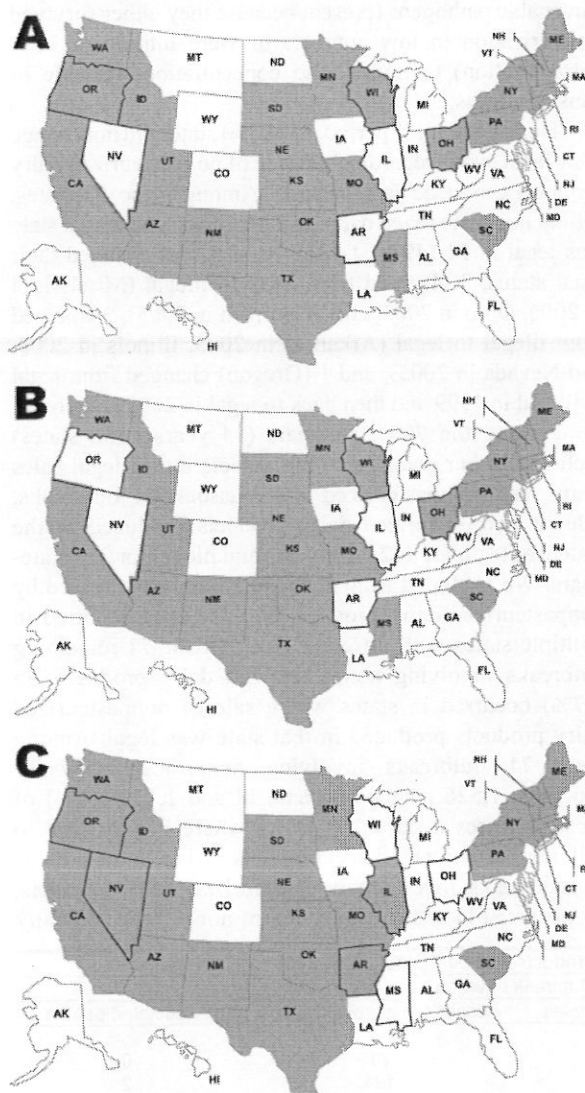


Figure 2. Legal status of nonpasteurized dairy product sale or distribution, by state, United States, for A) 1993, B) 1999, and C) 2006. Gray shading indicates states where nonpasteurized dairy product sale or distribution was permitted. States outlined in black changed legal status during the study period.

Incidence density ratios (IDRs) for nonpasteurized product-associated outbreaks and outbreak-associated cases during legal and illegal state-years varied by the type of dairy product (milk or cheese) and are reported separately. In states where it was legal to sell nonpasteurized dairy products, the rate of outbreaks caused by nonpasteurized fluid milk was  $>2\times$  as high as in states where it was illegal to sell nonpasteurized dairy products (IDR 2.20, 95% CI 1.14–4.25). The rate of outbreak-associated illnesses caused by nonpasteurized fluid milk was 15% higher in states where it was legal to sell nonpasteurized dairy products, but this result was not statistically significant (IDR 1.15, 95% CI 0.24–5.54). States where it was legal to sell nonpasteurized dairy products had nearly  $6\times$  the rate of outbreaks caused by cheese made from nonpasteurized milk (IDR 5.70, 95% CI 1.71–19.05) and nearly  $6\times$  the rate of outbreak-associated illnesses (IDR 5.77, 95% CI 0.59–56.31), although the IDR for outbreak-associated illnesses was not statistically significant.

## Discussion

Incidence of outbreaks caused by nonpasteurized dairy products was higher in states that permitted the sale of nonpasteurized dairy products than in states that prohibited such sale. This association was evident for nonpasteurized fluid milk and cheese made from nonpasteurized milk. Although this association did not extend to the rates of outbreak-associated cases, factors other than whether it was legal to sell nonpasteurized dairy products probably affect the number of cases that occur in an outbreak. These factors include the volume and area of distribution of the contaminated product, the pathogen involved, the underlying health status of the exposed persons, and the ability of the responding public health agency to swiftly intervene to terminate the outbreak.

Because consumption of nonpasteurized dairy products is uncommon in the United States, the high incidence of outbreaks and outbreak-associated illness involving nonpasteurized dairy products is remarkable and greatly disproportionate to the incidence involving dairy products that were marketed, labeled, or otherwise presented as pasteurized. In a population-based survey conducted in 1996–1997, only 1.5% of respondents reported having consumed nonpasteurized dairy products in the 7 days before being interviewed; and in the 2003–2004 and 2005–2006 National Health and Nutrition Examination Surveys, only  $<1\%$  of respondents who drank milk reported that they usually drank nonpasteurized milk (21,25,26). Because many of these respondents also reported consuming pasteurized dairy products, the proportion of dairy products consumed nonpasteurized by volume or weight is probably  $<1\%$ . To illustrate this point, it is useful if we provide a hypothetical weighting of the findings in this study by the

amount of nonpasteurized and pasteurized dairy products consumed. Total milk production in the United States in 2010 was estimated at 193 billion pounds, suggesting that  $\approx 2.7$  trillion pounds of milk were consumed during the 14 years from 1993 through 2006 (27). If 1% of dairy products were consumed nonpasteurized, then during these 14 years, 73 outbreaks were caused by the 27 billion pounds of nonpasteurized dairy products that were consumed and 48 by the 2,673 billion pounds of pasteurized products that were consumed. Therefore, the incidence of reported outbreaks involving nonpasteurized dairy products was  $\approx 150\times$  greater, per unit of dairy product consumed, than the incidence involving pasteurized products. If, as is probably more likely,  $<1\%$  of dairy products are consumed nonpasteurized, then the relative risk per unit of nonpasteurized dairy product consumed would be even higher.

After 1998, when surveillance for foodborne outbreaks was enhanced, the number of reported foodborne disease outbreaks caused by dairy products increased, as did the total number of reported foodborne outbreaks. Outbreaks involving nonpasteurized dairy products were all associated with bacterial enteric pathogens, most of which have known animal reservoirs. In contrast, among outbreaks in which a pasteurized dairy product was implicated, the most commonly reported causative agent was norovirus (44% of outbreaks), a pathogen with a human reservoir. These results suggest that outbreaks caused by nonpasteurized dairy products are probably caused by pathogens in the dairy environment, which would be eliminated by proper pasteurization, and that outbreaks caused by pasteurized dairy products are probably caused by contamination of the products at some point after pasteurization.

The objective of pasteurization is to eliminate from fluid milk those pathogens that originate in the dairy environment; however, pasteurization does not protect against contamination that might occur later, such as during food handling. In addition, if pasteurization is not performed properly (for appropriate times and at appropriate temperatures), pathogens might not be eliminated from the milk. Appropriate post-pasteurization food-handling practices can minimize the risk for reintroduction of pathogens into dairy products after pasteurization. In addition, other precautions, such as maintaining the dairy product at an appropriate temperature and disposing of expired products, reduce the risk to the consumer should the product become contaminated after pasteurization. When outbreaks do occur because of contamination of dairy products that are marketed as pasteurized, the source of contamination is typically traced to improper pasteurization, improper storage, or improper handling of the products after marketing (28–30). In our study, all outbreaks associated with pasteurized products for which

information on the source of contamination was available were attributed to post-pasteurization mishandling.

Among outbreak-associated cases involving nonpasteurized dairy products, 60% involved persons  $<20$  years of age. Public health and regulatory authorities are obligated to protect persons who cannot make fully informed decisions (e.g., children) from potential health hazards. Dietary decisions for younger children, in particular, are often made by caregivers. The American Academy of Pediatrics advises against giving nonpasteurized dairy products to children and recommends that pediatricians counsel caregivers against use of these products (31).

Proportionately more persons were hospitalized during outbreaks caused by nonpasteurized (13%) than by pasteurized dairy products (1%). This observation suggests that infections associated with nonpasteurized dairy products might be more severe, and it is consistent with the more frequent identification of bacterial, rather than viral or toxic, causative agents and with the larger proportion of illnesses affecting children.

Limitations of this analysis are primarily associated with the nature of the CDC Foodborne Disease Outbreak Surveillance System. Outbreak reporting by state and local health departments is voluntary, and outbreak reports are not always complete. For this analysis, we obtained missing data whenever possible by contacting the reporting state health department. In addition, the CDC outbreak surveillance database is dynamic; reporting agencies can submit new reports and can change or delete previous reports at any time as new information becomes available. Therefore, the results of this analysis represent data available at 1 point in time and might differ from those published earlier or subsequently.

In summary, foodborne outbreaks involving dairy products continue to be a public health problem in the United States, and this problem is disproportionately attributable to nonpasteurized dairy products. Since the US Food and Drug Administration prohibited distribution of nonpasteurized dairy products in interstate commerce for sale to consumers in 1987, all legal sale and distribution has occurred within states that permit the sale of nonpasteurized dairy products that originated in that state. How much illegal distribution in interstate commerce continues is unknown. The increased risk for outbreaks associated with legal intrastate sale of nonpasteurized dairy products demonstrated in this analysis can be weighed against the purported nutritional or other health benefits attributed to these products. Scientifically credible evidence for the health benefits of nonpasteurized dairy products beyond the benefits of those of otherwise equivalent pasteurized products is lacking (32). The risk for outbreaks resulting from cheese made from nonpasteurized milk in states where nonpasteurized



milk sale is legal may be higher for particular groups within those states. For example, in recent years, foodborne outbreaks involving nonpasteurized dairy products have been reported in association with traditional nonpasteurized products marketed to the growing Hispanic community in the United States (5,33).

Our analysis shows that legal intrastate sale of nonpasteurized dairy products is associated with a higher risk for dairy-related outbreaks and implies that restricting sale of nonpasteurized dairy products reduces the risk for dairy-related outbreaks within that state. Pasteurization is the most reliable and feasible way to render dairy products safe for consumption. Although warning labels and signs or government-issued permits are prudent where the sale of nonpasteurized dairy products is legal, they have not been shown to be effective and, given the results of this analysis, do not seem to reduce the incidence of outbreaks involving nonpasteurized dairy products to the degree that pasteurization does (18). Whether certain types of warnings or more explicit health advisories might be more effective than others is unknown. Public health officials at all levels should continue to develop innovative methods to educate consumers and caregivers about the dangers associated with nonpasteurized dairy products. State officials should consider further restricting or prohibiting the sale or distribution of nonpasteurized dairy products within their states. Federal and state regulators should continue to enforce existing regulations to prevent distribution of nonpasteurized dairy products to consumers. Consumption of nonpasteurized dairy products cannot be considered safe under any circumstances.

### Acknowledgments

We gratefully acknowledge Patricia Griffin and Casey Barton Behravesh for review of the manuscript and the state and local health departments that investigate and report enteric disease outbreaks to CDC.

Dr Langer was a CDC Preventive Medicine Fellow assigned to the Division of Foodborne, Bacterial, and Mycotic Diseases at the time of this study. He is now an epidemiologist with the CDC Division of Tuberculosis Elimination. His research interests include the investigation of infectious disease outbreaks and animal-to-human transmission of infectious agents.

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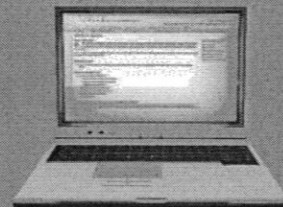
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# FOODFACTS

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## The Dangers of Raw Milk: *Unpasteurized Milk Can Pose a Serious Health Risk*

Milk and milk products provide a wealth of nutrition benefits. But raw milk can harbor dangerous microorganisms that can pose serious health risks to you and your family. According to an analysis by the Centers for Disease Control and Prevention (CDC), between 1993 and 2006 more than 1500 people in the United States became sick from drinking raw milk or eating cheese made from raw milk. In addition, CDC reported that unpasteurized milk is 150 times more likely to cause foodborne illness and results in 13 times more hospitalizations than illnesses involving pasteurized dairy products.

Raw milk is milk from cows, sheep, or goats that has not been pasteurized to kill harmful bacteria. This raw, unpasteurized milk can carry dangerous bacteria such as *Salmonella*, *E. coli*, and *Listeria*, which are responsible for causing numerous foodborne illnesses.

These harmful bacteria can seriously affect the health of anyone who drinks raw milk or eats foods made from raw milk. However, the bacteria in raw milk can be especially dangerous to **people with weakened immune systems, older adults, pregnant women, and children**. In fact, the CDC analysis found that foodborne illness from raw milk especially affected children and teenagers.

### "Pasteurized Milk" Explained

Pasteurization is a process that kills harmful bacteria by heating milk to a specific temperature for a set period of time. First developed by Louis Pasteur in 1864, pasteurization kills harmful organisms responsible for such diseases as listeriosis, typhoid fever, tuberculosis, diphtheria, and brucellosis.

Research shows no meaningful difference in the nutritional values of pasteurized and unpasteurized milk. Pasteurized milk contains low levels of the type of nonpathogenic bacteria that can cause food spoilage, so storing your pasteurized milk in the refrigerator is still important.

### Raw Milk and Serious Illness

#### Symptoms and Advice

Symptoms of foodborne illness include:

- Vomiting, diarrhea, and abdominal pain
- Flulike symptoms such as fever, headache, and body ache

While most healthy people will recover from an illness caused by harmful bacteria in raw milk — or in foods made with raw milk — within a short period of time, some can develop symptoms that are chronic, severe, or even life-threatening.

If you or someone you know becomes ill after consuming raw milk or products made from raw milk — or, if you are pregnant and think you could have consumed contaminated raw milk or cheese — see a doctor or healthcare provider immediately.

#### The Dangers of Listeria and Pregnancy

Pregnant women run a serious risk of becoming ill from the bacteria *Listeria*, which can cause miscarriage, fetal death, or illness or death of a newborn.

If you are pregnant, consuming raw milk — or foods made from raw milk, such as Mexican-style cheese like Queso Blanco or Queso Fresco — can harm your baby even if you don't feel sick.



### Raw Milk & Pasteurization: Debunking Milk Myths

While pasteurization has helped provide safe, nutrient-rich milk and cheese for over 120 years, some people continue to believe that pasteurization harms milk and that raw milk is a safe, healthier alternative.

Here are some common myths and proven facts about milk and pasteurization:

- Pasteurizing milk **DOES NOT** cause lactose intolerance and allergic reactions. Both raw milk and pasteurized milk can cause allergic reactions in people sensitive to milk proteins.
- Raw milk **DOES NOT** kill dangerous pathogens by itself.
- Pasteurization **DOES NOT** reduce milk's nutritional value.
- Pasteurization **DOES NOT** mean that it is safe to leave milk out of the refrigerator for extended time, particularly after it has been opened.
- Pasteurization **DOES** kill harmful bacteria.
- Pasteurization **DOES** save lives.



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## Protect Your Family with Wise Food Choices

Most milk and milk products sold commercially in the United States contain pasteurized milk or cream, or the products have been produced in a manner that kills any dangerous bacteria that may be present. But unpasteurized milk and products made from unpasteurized milk *are* sold and may be harmful to your health. To avoid getting sick from the dangerous bacteria found in raw milk, you should choose your milk and milk products carefully. Consider these guidelines:

### Okay to Eat

- **Pasteurized** milk or cream
- Hard cheeses such as cheddar, and extra hard grating cheeses such as Parmesan
- Soft cheeses, such as Brie, Camembert, blue-veined cheeses, and Mexican-style soft cheeses such as Queso Fresco, Panela, Asadero, and Queso Blanco made from **pasteurized** milk
- Processed cheeses
- Cream, cottage, and Ricotta cheese made from **pasteurized** milk
- Yogurt made from **pasteurized** milk
- Pudding made from **pasteurized** milk
- Ice cream or frozen yogurt made from **pasteurized** milk



### Unsafe to Eat

- Unpasteurized milk or cream
- Soft cheeses, such as Brie and Camembert, and Mexican-style soft cheeses such as Queso Fresco, Panela, Asadero, and Queso Blanco made from unpasteurized milk
- Yogurt made from unpasteurized milk
- Pudding made from unpasteurized milk
- Ice cream or frozen yogurt made from unpasteurized milk

### When in Doubt — Ask!

Taking a few moments to make sure milk is pasteurized — or that a product isn't *made* from raw milk — can protect you or your loved ones from serious illness.

- **Read the label.** Safe milk will have the word "pasteurized" on the label. If the word "pasteurized" does not appear on a product's label, it may contain raw milk.
- Don't hesitate to **ask your grocer or store clerk** whether milk or cream has been pasteurized, especially milk or milk products sold in refrigerated cases at grocery or health food stores.
- Don't buy milk or milk products at farm stands or farmers' markets **unless you can confirm** that it has been pasteurized.

### Is Your Homemade Ice Cream Safe?

Each year, homemade ice cream causes serious outbreaks of infection from *Salmonella*. The ingredient responsible? Raw or undercooked eggs. If you choose to make ice cream at home, use a pasteurized egg product, egg substitute, or pasteurized shell eggs in place of the raw eggs in your favorite recipe. There are also numerous egg-free ice cream recipes available.

*Everyone can practice safe food handling by following these four simple steps:*



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For more information, contact: The U.S. Food and Drug Administration Center for Food Safety and Applied Nutrition Food Information Line at 1-888-SAFEFOOD (toll free), 10 AM to 4 PM ET, Monday through Friday. Or visit the FDA Web site at [www.fda.gov](http://www.fda.gov)



Jeremy Bruecker  
Daing Farmers of  
America

Copy of Testimony



TALKING POINTS  
Senate Committee on Financial Institutions and Rural Issues  
September 11, 2013

- My name is Jeremy Bruecker and I work for the over 1,000 Wisconsin farm families that own and govern Dairy Farmers of America, a milk marketing cooperative.
- I come to speak in opposition to senate bill 236, which would allow for the on-farm sale of raw milk.
- Raw milk is a confusing term to customers, and more important, a dangerous term as well.
- The Center for Disease Control and Prevention (CDC) states, **“Raw milk can carry harmful germs that can make you very sick or kill you. If you're thinking about drinking raw milk because you believe it has health benefits, consider other options.”**
- **Raw milk is unpasteurized milk that could include many harmful and dangerous germs and pathogens. It can contain bacteria, viruses, and parasites.**
  - You must understand the risks of drinking raw milk, especially because you may be hearing claims about its supposed "benefits".
  - It is important to note that **NONE** of these “claims of benefits” has been substantiated by medical literature.
- Milk and dairy products made from milk need minimal processing, called pasteurization, which can be done by heating the milk briefly (for example, heating it to 161°F for about 20 seconds).
- Harmful germs usually don't change the look, taste, or smell of milk, so only when milk has been pasteurized can you be confident that these germs are not present.
- To ensure that milk is safe, processors rapidly cool it after pasteurization, practice sanitary handling, and store milk in clean, closed containers at 45°F or below.
- **Pasteurization is the most proven way to ensuring that harmful and life threatening bacteria and other pathogens is removed from the milk supply.**
- Remember, you can't look at, smell, or taste a bottle of raw milk and tell if it's safe to drink.
- The risk of getting sick from drinking raw milk is greater for infants and young children, the elderly, pregnant women, and people with weakened immune systems, such as people with cancer, an organ transplant, or HIV/AIDS, than it is for healthy school-aged children





and adults. **But, it is important to remember that healthy people of any age can get very sick or even die if they drink raw milk contaminated with harmful germs.**

- Getting sick from raw milk can mean many days of diarrhea, stomach cramping, and vomiting. Less commonly, it can mean kidney failure, paralysis, chronic disorders, and even death.
- Many people who chose raw milk thinking they would improve their health instead found themselves (or their loved ones) sick in a hospital for several weeks fighting for their lives from infections caused by germs in raw milk.
- Among dairy product-associated outbreaks reported to CDC between 1998 and 2011 in which the investigators reported whether the product was pasteurized or raw, 79% were due to the consumption of raw milk or cheese.
- From 1998 through 2011, the consumption of raw milk or raw milk products reported to CDC resulted in **2,384 illnesses, 284 hospitalizations, and 2 deaths.**
  - Most of these illnesses were caused by *Escherichia coli* (*E. Coli*), *Salmonella*, or *Listeria*.
  - It is important to note that a substantial proportion of the raw milk-associated disease burden falls on children; among the 104 outbreaks from 1998-2011 with information on the patients' ages available, 82% involved at least one person younger than 20 years old.
- A study released by CDC in January 2013 examined the number of dairy outbreaks in the United States during a 13-year period.
  - **Between 1993 and 2006, 60% of dairy-related outbreaks reported to CDC were linked to raw milk products.**
  - **Three-quarters of these outbreaks occurred in states where the sale of raw milk was legal at the time.**
  - Experts also found that unpasteurized milk was 150 times more likely to cause food-borne illness outbreaks than pasteurized milk and that those sickened in raw milk outbreaks were 13 times more likely to be hospitalized than those who got ill from pasteurized milk during an outbreak.
- Reported outbreaks represent the tip of the iceberg. For every outbreak and every illness reported, many others occur, and most illnesses are not part of recognized outbreaks.
- Many consumers confuse raw with organic.
  - But, the fact of the matter is that most organic milk in this country is also pasteurized.
  - When consumers read about outbreaks or infections carried through milk or other dairy products, they often have a difficult time differentiating the raw milk story from the milk that's pasteurized and sold in local grocery stores.



- **Because of this, the entire industry is harmed when raw milk claims another victim.**
- **On the issue of raw milk, the CDC raw milk fact sheet ends with “Avoid raw milk, it's just not worth the risk.”**
- **The entire industry suffers when consumers become sick from drinking raw milk. I urge you to oppose the effort to allow for raw milk sales in Wisconsin.**



Raw Milk Bill Testimony - 9/11/13

John Peck - executive director, Family Farm Defenders, #608-260-0900

Family Farm Defenders is a national grassroots organization that was founded by WI dairy farmers two decades ago and we now have hundreds of members across the state.

On behalf of our state's dairy farmers, I want to thank Sen. Grothman and Sen. Schultz for hosting this hearing. Addressing the raw milk issue is long overdue. Last time we attempted to pass a bill in this state hundreds of people turned out at the hearings demanding choice, and the legislation passed with bipartisan support only to have then Governor Doyle flip flop under industry pressure and veto the measure. Since then we've only seen demand for greater access to local food grow, and the courts have even now weighed in to defend the farmer's right to provide fresh milk directly to consumers.

I'll admit I drank fresh raw milk this morning and have done so my entire life. I grew up on a farm and it was as natural, safe and nutritious as pulling a carrot out of the garden or an apple off the tree. In fact as we debate this issue there are literally millions of people around the world drinking fresh unpasteurized milk. Mothers are breastfeeding their children, WI farmers are skimming cream off the top of their bulk tank to put in their morning coffee and on their evening dessert, across Europe thousands of people are walking up to vending machines and getting a a bottle of raw milk on the way to work.

Why do we need this bill? Because dairy farmers are becoming an endangered species in the so-called dairy state. In fact, we now have more prisoners than dairy farmers in WI. There are lots of reasons why these family farmers are struggling so hard to survive and why many of them live in poverty and even qualify for food stamps. Massive subsidies are given to the largest operations while the smaller farms are left to the mercy of the market. Illegal price fixing by the dairy giants at the Chicago Mercantile Exchange denies dairy farmers a parity price that would actually cover their input costs and give them a decent income. Now most farmers I know are pretty smart and when they figure out they are getting price gouged by the corporate processors they are going to cut out the middleman and try to go straight to the consumer who is willing to pay a higher price for a better product. This bill will finally legalize a time honored value added farming activity that has been going on ever since the domestication of livestock.

Now you will hear some folks today arguing that this bill threatens public safety and our dairy reputation. Hogwash. If that was true there would be dozens of WI farmers dropping dead each week and I wouldn't even have survived my childhood to be hear to speak to you today. Why we have draconian rules about pasteurization needs to be put in historic perspective. The disease threat of a hundred years ago were not created by small family farmers but by swill factory farms. For decades consumers across WI and the U.S. still had a choice to drink fresh raw milk thanks to very successful certification programs, but the dairy processors didn't like that option and eventually lobbied enough politicians to mandate pasteurization. Corporations don't want dairy farmers to have any autonomy, they want to keep them over a barrel and milk a captive supply. If passed this bill would make fresh



milk one of the most regulated and presumably by extension one of the safest foods in the state. Opposition to this legislation is motivated largely by corporate greed - pure and simple.

Sadly it is this same greed that is responsible for lots of the real health concerns in our food system. I do have a lot of fears as a consumer with our state's dairy products, but fresh raw milk is no where on that list. Far greater threats to public safety are posed by the unregulated import of foreign whey powder and milk protein concentrate tainted with everything from botulism to melamine. Worse yet is the illegal use of antibiotics in the dairy sector that has gotten so bad that Europe even threatened to block all imports from the U.S. last year. Talk about sullyng one's dairy image - being number one in the U.S. - even worse than CA! - when it comes to antibiotic residues in our milk and meat is quite a slap in the face of WI. Personally, I wouldn't want to drink milk that farmers would not want to drink themselves.

When you drive a popular widespread tradition such as enjoying fresh milk under ground you are guaranteed to make this activity more dangerous. It is time to acknowledge the reality that this practice is not going away - in fact, it is becoming even more accepted - three more states decriminalized raw milk sales last year. WI should be a leader not a foot dragger when it comes to promoting family farmers and easier consumer access to fresh safe local food. I look forward to the day I can legally purchase milk from a farmer I know and trust rather than having to do it in the shadows. Thanks for introducing this legislation that will help save family farms and give consumers better choices.

TO: Senate Committee on Financial Institutions and Rural Issues  
FROM: Laurie Fischer, Executive Director-Dairy Business Association  
RE: Testimony Opposing Senate Bill 236  
DATE: September 11, 2013

On behalf of the Dairy Business Association's (DBA) 700 dairy producers and dairy related businesses we thank you for the opportunity to discuss our concerns in regards to Senate Bill 236 which permits the sale of unpasteurized raw milk in the state of Wisconsin. We respectfully request that you oppose Senate Bill 236.

The DBA is a non-profit trade association representing milk producers, processors, dairy professionals and associated vendors in Wisconsin. The DBA's goal is to preserve Wisconsin as "America's Dairyland," and to stabilize and grow the dairy industry and infrastructure in the state. DBA's mission statement is simple: "Keeping the Cows in Wisconsin." Our membership includes dairy farmers of all sizes, who overwhelmingly recognize the substantial risk for serious infectious diseases to occur with the consumption of purchased unpasteurized milk. We respectfully request that you take our comments into consideration as you deliberate on Senate Bill 236.

The DBA opposes Senate Bill 236 because it has been proven that raw milk causes people to become ill. According to an analysis by the Center for Disease Control and Prevention (CDC), raw milk can harbor dangerous microorganisms that pose serious health risks. The CDC reported that unpasteurized milk is 150 times more likely to cause foodborne illness, and results in 13 times more hospitalizations than illnesses involving pasteurized dairy products. Sickness and death due of Wisconsin's adults and children who consume purchased unpasteurized milk must not be allowed. In addition, research shows there is no meaningful difference between the nutritional values of pasteurized and unpasteurized milk.

The DBA members are proud of the wholesome milk products our state produces. The Wisconsin dairy industry has seen incredible growth over the past decade. The dairy industry and the Wisconsin legislature have worked hard to maintain and grow our state and national brand as "America's Dairyland." We cannot risk losing Wisconsin's title as the nation's number one cheese producer in the United States by allowing Senate Bill 236 to pass.

In closing, DBA respectfully requests you to oppose Senate Bill 236 in order to avoid human health safety concerns, and to protect the integrity of Wisconsin's Dairy Industry. Again, thank you for time today, and I would be happy to answer any questions you may have.

## FDA Testimony Summary for Wisconsin SB 236

- Mr. Chair, Mr. Vice Chair and Members of the Wisconsin Senate Committee on Financial Institutions and Rural Issues, thank you for the opportunity to submit this written FDA testimony provided by John Sheehan, Director of Plant and Dairy Food Safety of the U.S. Food and Drug Administration, in which the public health and food safety concerns of consuming raw milk and the importance of pasteurization are discussed. There is and has been a lot of misinformation published or otherwise communicated by various parties to the general public at large about raw milk and pasteurized milk. FDA appreciates the opportunity in this testimony to present the reality of the dangers of raw milk consumption and the safety and healthfulness of pasteurized milk consumption.
- Senate Bill 236 which is now before this body for consideration would operate to weaken Wisconsin laws governing public health protection. Senate Bill 236 significantly relaxes the current regulation by permitting the sale of raw milk or raw milk products in Wisconsin. Allowing any type of raw milk sales directly to consumers does increase the probability of serious harm occurring to Wisconsin consumers, especially children, the aged, infirm and immunocompromised, and this bill would actually increase the probability of a state-wide outbreak occurring within Wisconsin. Senate Bill 236 also would significantly distance Wisconsin's regulation of raw milk from the advice being given by the CDC, FDA, and many notable others. In a press release issued jointly by both CDC and FDA on March 1, 2007, the agencies noted that in addition to CDC and the FDA, "the American Medical Association, the American Academy of Pediatrics, the National Conference on Interstate Milk Shipments, the National Association of State Departments of Agriculture, the Association of Food and Drug Officials and other organizations have endorsed the pasteurization of milk and prohibition of the sale of raw milk and products containing raw milk."
- Raw milk is inherently dangerous and may contain a whole host of pathogens including Enterotoxigenic *Staphylococcus aureus*, *Campylobacter jejuni* (*C. jejuni*), *Salmonella* species, *Escherichia coli* (*E. coli* 0157H:7, Enterohemorrhagic *E. coli* - EHEC, Enterotoxigenic *E. coli* - ETEC), *Listeria monocytogenes*, *Mycobacterium tuberculosis*, *Mycobacterium bovis* (*M. bovis*), *Brucella* species (*B. abortus* being mainly associated with cattle and *B. melitensis* being mainly associated with goats), *Coxiella burnetii* and *Yersinia enterocolitica* to name but a few. Many of these microorganisms can cause very serious, sometimes life altering and sometimes even fatal disease conditions in humans. With pregnant women, *Listeria monocytogenes*-caused illness can result in miscarriage, fetal death, or illness or death of a newborn infant. Enterohemorrhagic *E. coli* (EHEC) infection has been linked to hemolytic uremic syndrome (HUS), a condition that can cause kidney failure and death. If infected with EHEC, young children are particularly susceptible to contracting HUS as unfortunately has recently happened in this country.
- Pasteurization will destroy all of the pathogens mentioned thus far and others not mentioned. For example, pasteurization is also destructive of *Mycobacterium*

*paratuberculosis*, the causative organism of Johne's disease in cattle. Clearly, pasteurized milk can never rationally be considered more hazardous than raw milk, contrary to the claims of raw milk advocates. In fact, it is universally agreed within the scientific community that pasteurization has made milk a much safer food for human nutrition.

- Raw milk should not be consumed by anyone, at any time, for any reason. FDA's opinion in this matter is entirely consistent with that of the American Medical Association, which holds as policy the position that "all milk sold for human consumption should be required to be pasteurized" (H-150.980, Milk and Human Health). The aged, infirm, young and immuno-compromised are most at risk for severe infections from pathogens that may be present in raw milk.
- It is not only the very young, the aged, infirm and immunocompromised that can fall victim to the pathogens which may be present in raw milk. Anyone can be a victim, including healthy young adults. In 2012, Langer et al. from CDC (reference 37) reported that during 1993 to 2006, of the 121 dairy-associated outbreaks with known pasteurization status, 73 outbreaks were associated with unpasteurized products. These 73 unpasteurized dairy outbreaks resulted in 1,571 cases, 202 hospitalizations, and 2 deaths. Seventy-five percent (55 outbreaks) of the unpasteurized dairy outbreaks occurred in 21 states where raw milk sale is legal. Langer et al. made several key conclusions, including: 1) legal intrastate sale of unpasteurized dairy products is associated with a high risk for dairy-related outbreaks; 2) the rate of outbreaks caused by unpasteurized dairy products was about 150 times greater than outbreaks linked to pasteurized dairy; and 3) unpasteurized dairy outbreaks led to much more severe illnesses in, and disproportionately affected, younger people (under age 20).
- Raw milk, even a "certified" raw milk, is inherently dangerous and should not be consumed. Raw milk continues to be a source of foodborne illness and even a cause of death within the United States. Despite the claims of raw milk advocates, raw milk is not a magical elixir possessing miraculous curative properties. Pasteurization destroys pathogens and most other vegetative microbes which might be expected and have been shown to be present in milk. Pasteurization does not appreciably alter the nutritive value of milk. Claims to the contrary by raw milk advocates are without scientific support. FDA encourages everyone charged with protecting the public health to prevent the sale of raw milk to consumers and not permit the operation of so-called "cow-sharing" or other schemes designed as attempts at circumventing laws prohibiting sales of raw milk to consumers. To do otherwise would be to take a giant step backwards with public health protection.
- FDA hopes that you will read the testimony which contains much more information about raw milk and the continuing public health concerns. FDA would like to thank the Committee for the opportunity to provide this information to the Committee and trust that it will prove useful to you in your deliberations.